May 2014

Final Environmental Impact Statement & Section 4(f) Evaluation

VIRGINIA AVENUE TUNNEL



Appendix A





Appendix A Federal Register Notices Correspondence

Federal Register Notices

The objective of this meeting is to review the progress of the Committee's five subcommittees. The meeting is open to public participation through live stream at http://www.state.gov/s/sacsed/c47725.htm.

DATES: The meeting will be held on May 16, 2012, from 12:15 p.m. to 1:45 p.m. **ADDRESSES:** The meeting will be held at the U.S. Department of State, 2201 C Street NW., Washington, DC.

Written comments may be submitted to Madeleine Ioannou via email to civilsociety@state.gov or facsimile to (202) 736–7880. All comments, including names and addresses when provided, are placed in the record and are available for inspection and copying. The public may inspect comments received at the U.S. Department of State, 2201 C Street NW., Room 1317, Washington, DC 20520. Please call ahead to (202) 736–7824 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Madeleine Ioannou, Committee Executive Secretary, U.S. Department of State, 2201 C Street NW., Room 1317, Washington, DC 20520; (202) 736–7308; civilsociety@state.gov.

SUPPLEMENTARY INFORMATION: The meeting is open to the public and will be streamed live at: *http://*

www.state.gov/s/sacsed/c47725.htm.
Agenda items to be covered include: (1)
Introductions, (2) Presentations by the
Chairs of the Subcommittees, (3)
Discussion of any Public Submissions,
(4) General Discussion, (5)
Adjournment. Anyone who would like
to bring related matters to the attention
of the Committee may file written
statements with the Committee staff by
sending an email to
civilsociety@state.gov.

Dated: April 25, 2012.

Madeleine Ioannou,

Office of the Senior Advisor for Civil Society and Emerging Democracies, U.S. Department of State.

[FR Doc. 2012–10504 Filed 4–30–12; 8:45 am]

BILLING CODE 4710-10-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Twenty-First Meeting: RTCA Special Committee 203, Unmanned Aircraft Systems

AGENCY: Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT).

ACTION: Meeting Notice of RTCA Special Committee 203, Unmanned Aircraft Systems.

SUMMARY: The FAA is issuing this notice to advise the public of the twenty-first meeting of RTCA Special Committee 203, Unmanned Aircraft Systems.

DATES: The meeting will be held May 22–25, 2012, from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street, NW., Suite 910, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC, 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at http://www.rtca.org.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 203. The agenda will include the following:

May 22, 2012 Opening Plenary Session

- Welcome/Introductions/ Administrative Remarks
- Approval of Twentieth Plenary Summary
- Chairperson/Leadership Updates
- Designated Federal Official (DFO) Update
- Schedule Status
- Workgroup Updates
- Plenary Adjourns

Mid Morning/Afternoon

- Workgroup Breakout Sessions
 - Systems Engineering Workgroup
 - C&C Workgroup
 - S&A Workgroup
 - Safety Workgroup

Wednesday, May 23

• All day-Workgroup Breakout Sessions

Thursday, May 24

All day-Workgroup Breakout Sessions

Friday, May 25

- 8:00 a.m.–10:00 a.m.—Workgroup Breakout Sessions
- 11:00 a.m.–12:00 p.m.—Plenary Reconvenes
 - Workgroup Back Briefs
 - Other Business
 - Closing Plenary Session
 - Other Business
 - Date, Place, and Time for Plenary Twenty-Two
 - Plenary Adjourns

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION**

CONTACT section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 24, 2012.

John Raper,

Manager, Business Operations Branch, Federal Aviation Administration.

[FR Doc. 2012-10365 Filed 4-30-12; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Washington, DC

AGENCY: U.S. Federal Highway Administration, District of Columbia Division; District of Columbia, Department of Transportation.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: The U.S. Federal Highway Administration (FHWA) in coordination with the District of Columbia Department of Transportation (DDOT) in Washington, DC is issuing this notice to advise agencies and the public that a Draft Environmental Impact Statement (DEIS) will be prepared to assess the impacts of the proposed reconstruction of the Virginia Avenue Tunnel in Washington, DC. The tunnel is owned and operated by CSX Transportation, Inc. (CSX), and is an integral feature of CSX's freight rail network that encompasses about 21,000 route miles of track in 23 states, the District of Columbia and the Canadian provinces of Ontario and Quebec. The tunnel's reconstruction requires FHWA approval due to temporary construction impacts to the Southeast Freeway (I-695) and use of I-695 air rights.

FOR FURTHER INFORMATION CONTACT:

Federal Highway Administration, District of Columbia Division: Mr. Michael Hicks, Environmental/Urban Engineer, 1900 K Street, Suite 510, Washington, DC 20006–1103, (202) 219–3513; or Mr. Faisal Hameed, Manager, Project Development & Environmental Division, Infrastructure Project Management Administration, District of Columbia, Department of Transportation, 55 M Street, SE., Suite 500, Washington, DC 20003, (202) 671–2326.

SUPPLEMENTARY INFORMATION: The environmental review of the reconstruction of Virginia Avenue Tunnel will be conducted in accordance with the requirements of the National

Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4371, et seq.), Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500–1508), FHWA Code of Federal Regulations (23 CFR 771.101–771.137, et seq.), and all applicable Federal, State, and local government laws, regulations, and policies.

The EIS will replace the Environmental Assessment (EA) currently being prepared by FHWA and DDOT for the proposed reconstruction of Virginia Avenue Tunnel. Engineering, environmental and public involvement work or activities associated with the EA preparation conducted to date will be incorporated into preparing the EIS. Cooperating agencies will be notified of FHWA's intent to prepare an EIS for the proposed reconstruction of Virginia Avenue Tunnel. Notices will also be given to other agencies, private organizations, citizens, and interest groups that have previously expressed or are known to have interest in the project. Public input will continue to be solicited through the ongoing public involvement and outreach effort.

Public Scoping Meetings: DDOT has solicited public and agency comments on the proposed action through public scoping, including public meetings held on September 14, 2011 and November 30, 2011. To ensure that the full range of issues is identified early in the process, comments are invited from all interested and/or potentially affected parties. The location and time for any future public meeting will be publicized in at least one local daily newspaper. Written comments will be accepted throughout this process and can be forwarded to Faisal Hameed at the address provided above. Any future meeting will also be announced on the project Web site accessible at http:// www.virginiaavenuetunnel.com. Meeting materials will be available at all public meetings and after the meetings from the project Web site. At all future meetings, oral and written comments may be given. Comments may also be sent to Faisal Hameed at the above project Web site.

Description of Primary Study Area and Transportation Needs

Virginia Avenue Tunnel is located in the Capitol Hill neighborhood of Washington, DC beneath eastbound Virginia Avenue SE from 2nd Street SE (west portal) to 11th Street SE (east portal), a distance of approximately 3,800 feet. This section of Virginia Avenue SE is adjacent to or in close proximity to the U.S. Marine Corps recreation facility, National Park Service properties, residences and a few businesses. The Southeast Freeway abuts the north side of Virginia Avenue SE throughout nearly all the project limits.

In order to meet the freight transportation needs of the 21st century, the capacity and condition of freight rail infrastructure must keep pace. Overall freight tonnage is projected to increase by 50 percent in 2040 from 2010 levels, and freight rail is expected to accommodate a substantial share of the future increase demand for freight land transportation in the U.S. The current deficiencies of Virginia Avenue Tunnel prevent CSX from operating their freight rail network in the manner needed to meet the projected freight transportation demand through the District of Columbia. The interior height and width of Virginia Avenue Tunnel do not meet the needs of modern freight rail infrastructure due to its single track arrangement and the inability to accommodate double-stack intermodal container freight trains. The single-track presents a bottleneck in the system, preventing fluid operations along CSX's mainline rail network. Built over 100 years ago, the tunnel is nearing the end of its useful life and is subject to an ever increasing level of maintenance and repairs. During construction of the project, which may last approximately three years, CSX must be able to maintain freight transport through the District of Columbia. Determining how CSX will maintain their freight rail transport through the District of Columbia during reconstruction of the tunnel will be part of the environmental review for this project.

(Catalog of Federal Domestic Assistance Program Number 20.205 Highway Planning and Construction. The regulations and implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 315; 49 CFR 1.48. Issued on: April 30, 2012.

Joseph C. Lawson,

Division Administrator, District of Columbia Division, Federal Highway Administration. [FR Doc. 2012–10364 Filed 4–30–12; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Madison County, IL

AGENCY: Federal Highway Administration (FHWA), DOT. **ACTION:** Notice of Intent.

SUMMARY: The FHWA is issuing this notice of intent to advise the public that an Environmental Impact Statement will be prepared for a proposed transportation project in Alton and Godfrey, Illinois in an area bounded roughly by IL Route 3 on the south; Seminary Road on the east; Seiler Road on the north and US 67 on the west.

FOR FURTHER INFORMATION CONTACT:
Norman Stoner, Division Administrator,
Federal Highway Administration, 3250
Executive Park Drive, Springfield,
Illinois 62703, Phone: (217) 492–4640.
Omer Osman, Deputy Director of
Highways, Region 5 Engineer, Illinois
Department of Transportation, 1102
Eastport Plaza Drive, Collinsville,
Illinois 62234, Phone: (618) 346–3110.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Illinois Department of Transportation (IDOT) will prepare an Environmental Impact Statement (EIS) for a project that involves improved transportation flow, safety and connectivity in Alton and Godfrey, Illinois. Improved connectivity will focus on IL Route 3 and IL Route 255. Possible alternatives include: No Action, an upgrade of existing roadways and connections, or roadways on new alignment with new connections.

IDOT has initiated a scoping process that involves all appropriate federal, state, and local agencies, consulting parties, private organizations and citizens who have previously expressed or are known to have interest in this proposal. Context Sensitive Solutions (CSS) is being used for this project and a Stakeholder Involvement Plan (SIP) has been developed. A public hearing will be held to present the findings of the Draft EIS. Public notice will be given regarding the time and place of the hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

There are sensitive resources within the study area. These resources include schools, a Centennial farm, wetlands, Coal Branch Creek, the West Fork of Wood River, and areas with highly erodible soils. Sites within the study area listed on the National Register of Historic Places include the Benjamin Godfrey Mansion, Benjamin Godfrey Memorial Chapel, and Gilman Hall at Lewis and Clark Community College and Bierbaum Monument and Levis Tomb at Oakwood Cemetery. There is potential for archaeological sites within the study area. No formal neighborhood groups are within the study area. However, there are several residential subdivisions and cohesiveness and character of neighborhoods as well as noise impacts will need to be further

[Federal Register Volume 78, Number 134 (Friday, July 12, 2013)]
[Notices]
[Pages 41927-41928]
From the Federal Register Online via the Government Printing Office [www.gpo.gov]
[FR Doc No: 2013-16761]

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9010-1]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or http://www.epa.gov/compliance/nepa/. Weekly receipt of Environmental Impact Statements Filed 07/01/2013 Through 07/05/2013 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: http://www.epa.gov/compliance/nepa/eisdata.html.

EIS No. 20130199, Draft Supplement, BLM, WY, Bighorn Basin Draft Resource Management Plan Revision Project, Comment Period Ends: 10/12/ 2013, Contact: Caleb Hiner 307-347-5100 EIS No. 20130200, Final EIS, FTA, CA, Van Ness Bus Rapid Transit Project, Review Period Ends: 08/12/2013, Contact: Alex Smit 415-744-3133 EIS No. 20130201, Final EIS, USFS, AK, Big Thorne Project, Review Period Ends: 08/12/2013, Contact: Frank Roberts 907-828-3250 EIS No. 20130202, Draft EIS, NOAA, 00, Amending the Atlantic Large Whale Take Reduction Plan, Vertical Line Rule, Comment Period Ends: 09/ 13/2013, Contact: Kate Swails 978-282-8481 EIS No. 20130203, Final Supplement, USFS, CA, Eldorado National Forest Travel Management, Review Period Ends: 08/12/2013, Contact: Diana Erickson 530-621-5214 EIS No. 20130204, Final EIS, NASA, AK, Sounding Rockets Program at Poker Flat Research Range, Review Period Ends: 08/12/2013, Contact: Joshua A. Bundick 757-824-2319 EIS No. 20130205, Final EIS, FHWA, CA, State Route 58 (SR-58) Hinkley Expressway Project, Review Period Ends: 08/12/2013, Contact: James Shankel 909-383-6379 EIS No. 20130206, Revised Final EIS, USACE, FL, Addendum to the Final

[[Page 41928]]

Areawide EIS on Phosphate Mining in the Central Florida Phosphate District, Review Period Ends: 08/12/2013, Contact: John Fellows 813-769-7070

EIS No. 20130207, Draft EIS, FHWA, DC, Virginia Avenue Tunnel Reconstruction, Comment Period Ends: 08/26/2013, Contact: Michael Hicks 202-219-3513

Amended Notice

Smith 559-445-6172. EIS No. 20130225, Final EIS, USACE, CA, Salton Sea Species Conservation Habitat Project, Review Period Ends: 08/26/2013, Contact: Lanika Cervantes 760-602-4838.

Amended Notices

EIS No. 20130176, Draft EIS, APHIS, TX, Cattle Fever Tick Eradication Program--Tick Control Barrier, Comment Period Ends: 08/30/2013 Contact: Michelle Gray 301-851-3186.

Revision to FR Notice Published 06/21/2013; Extending Comment Period from 08/05/213 to 08/30/2013.

EIS No. 20130207, Draft EIS, FHWA, DC, Virginia Avenue Tunnel Reconstruction, Comment Period Ends: 09/25/2013, Contact: Michael Hicks 202-219-3513.

Revision to FR Notice Published 07/12/2013; Extending Comment Period from 08/26/2013 to 09/25/2013.

Dated: July 23, 2013.
Cliff Rader,
Director, NEPA Compliance Division, Office of Federal Activities.
[FR Doc. 2013-18059 Filed 7-25-13; 8:45 am]
BILLING CODE 6560-50-P

Agency Scoping Letters

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



Planning, Policy & Sustainability Administration

August 2, 2011

Re: Scoping letter: Environmental Assessment (EA) & Section 106 Evaluation CSXT Virginia Avenue Tunnel Project, SE, Washington DC

CSX Transportation, Inc. (CSXT) has requested the District Department of Transportation (DDOT) to consider permits allowing CSXT the temporary usage of air rights in the vicinity of Interstate 295/11th Street Bridges and for temporary closure of the Southeast Freeway/I295 ramp on 8th Street, SE to facilitate the reconstruction of the Virginia Avenue Tunnel. The project also includes slightly lowering the railroad grade beneath New Jersey Avenue SE. This request will require oversight and approval by the Federal Highway Administration (FHWA). DDOT and FHWA are starting an Environmental Assessment (EA) to assess the impacts of the proposed CSXT Virginia Ave Tunnel project to comply with the National Environmental Policy Act (NEPA). Effect to the historic resources from this project will also be assessed in compliance with the Section 106 of the National Historic Preservation Act.

Virginia Avenue Tunnel is a railroad tunnel located in southeast Washington, DC, beneath the eastbound Virginia Avenue SE. The tunnel's west and east portals are located near 2nd Street SE and 11th Street SE, respectively (see attached map).

At this early stage of the assessment, our efforts are focused on identifying important environmental and cultural constraints, developing project concepts and alternatives, and identifying other concerns relevant to the assessment. We would appreciate any comments and suggestions you may have regarding important factors that should be considered in the assessment. We would like your assistance in identifying any environmental or cultural resources located within the project area that need to be addressed in the EA and Section 106 process that may be of concern to your agency.

Your input will allow us to comprehensively address all potential impacts as the process moves forward. If you have any questions, please feel free to contact me at faisal.hameed@dc.gov or mail your comments by September 2, 2011 to our consultant team Project Manager, Steve Plano with Parsons Brinckerhoff at 1401 K Street NW, Suite 701, Washington, DC 20005 (or you may e-mail them to Plano@pbworld.com).

Sincerely,

Faisal Hameed Division Chief

Project Development, Environment & Sustainability Division

Cc: Mike Hicks (FHWA)

From:

Hameed, Faisal (DDOT) [faisal.hameed@dc.gov]

Sent:

Friday, August 19, 2011 9:57 AM

To:

Khan, Saadat (DDOT); Yazawa, Jason A.; Plano, Stephen L.; 'Keith Brinker@csx.com'

Subject:

FW: Scoping- CSXT Virginia Ave Tunnel EA

FYI

"One City Summer Fun ... Something for Everyone"

Mayor Gray's comprehensive summer program with fun activities, events and services for residents of all ages For more information visit www.onecitysummer.dc.gov or call 311

From: DeGeorgio.Alaina@epamail.epa.gov [mailto:DeGeorgio.Alaina@epamail.epa.gov]

Sent: Thursday, August 18, 2011 2:27 PM

To: Hameed, Faisal (DDOT)

Cc: Rudnick.Barbara@epamail.epa.gov

Subject: Scoping- CSXT Virginia Ave Tunnel EA

Hello Faisal.

EPA has received your scoping letter for the Environmental Assessment (EA) and Section 106 Evaluation CSXT Virginia Ave Tunnel Project, SE, Washington, DC. Thank you for including EPA in your scoping efforts for this project. At this time, EPA would like to offer the following areas as areas of possible concern that should be fully evaluated by DDOT and FHWA: air impacts, particularly PM 2.5 and ozone, possible impacts to environmental justice communities, noise impacts, disruptions and detours on local traffic. EPA would like to encourage DDOT and FHWA to engage and inform community members throughout the scoping and formal EA process as much as possible.

We are aware the DDOT is engaged in scoping or preparing NEPA documentation for several projects, including the recent Oregon Ave EA and the upcoming I-395 Air Rights EA. If DDOT is interested, EPA would like to invite your agency to meet or teleconference to discuss this and other projects that are in the NEPA process. If you have any questions about this project or would like to coordinate a meeting, please call/email me or Barbara Rudnick, NEPA Team Leader at 215-814-3322.

Sincerely,

Alaina

Alaina DeGeorgio EPA Region III 1650 Arch St. Philadelphia, PA (215) 814-2741



IN REPLY REFER TO: NCPC File No. 7270

September 6, 2011

Mr. Steve Plano Parsons Brinckerhoff 1401 K Street, NW Suite 701 Washington, DC 20005

Re: Comments on the scoping for the CSX Virginia Avenue Tunnel Environmental Assessment

Dear Mr. Plano:

In response to the August 2, 2011 District Department of Transportation (DDOT) letter regarding its intention to prepare with the Federal Highway Administration (FHWA) an Environmental Assessment (EA) for the CSX Virginia Avenue Tunnel project, the National Capital Planning Commission (NCPC) staff submits the following scoping comments:

Historic and Cultural Resources

The project is located in the Capitol Hill Historic District and within the historic L'Enfant Plan area of the city and has the potential to impact these historic resources. The existing rail tunnel is also historic. NCPC staff requests that the historic resource topics analyzed in the environmental document include:

- · Impacts to the existing tunnel including the tunnel portals
- · Impacts to L'Enfant Plan streets including use and viewsneds
- · Impacts to the Capitol Hill Historic District
- · All visual impacts upon historic and cultural resources including during construction and any proposed permanently visible elements of the proposed project such as air vents

We also request that the EA consider an alternative that retains the historic tunnel either for rail service or for pedestrian and/or bicycle uses.

Transportation Systems

Due to the length of the project from New Jersey Avenue, SE to 11th Street, SE and the need to close and reroute traffic for an extended period of time, the project may have an impact on the surrounding transportation network including vehicular, bicycle, and pedestrian circulation. NCPC requests that the following transportation impact topics be analyzed in the environmental document:

Page 2 – Mr. Plano

- · Vehicular movements including impacts to neighboring streets due to traffic rerouting for construction
- · Parking displacement including impacts on the surrounding neighborhood
- · Pedestrian and bicycle circulation and safety
- · Phasing of road and sidewalk closures

Environmental

NCPC staff requests that the following environmental topics be analyzed in the EA:

- · Air quality impacts—including during construction and for future rail usage
- · Wildlife impacts
- · Vegetation and Tree Canopy impacts
- · Stormwater Runoff impacts
- · Noise impacts including construction and for long term rail use

NCPC staff supports the District government's goal of increasing the city's tree canopy as well as supports the preservation of existing vegetation and the protection of healthy mature trees. Therefore, we request that FHWA and DDOT evaluate the opportunity to preserve trees where possible and replace any trees lost.

Coordination

Within close proximity of the project area are numerous federal properties and federal activities. We encourage FHWA and DDOT to work closely with the U.S. Navy, the U.S. Marine Corps, the National Park Service, the Architect of the Capitol, and the U.S. Department of Transportation headquarters throughout the EA and the project duration to identify and minimize project impacts on federal lands and functions. The environmental assessment should identify and analyze impacts to the following:

- · Operations of the AOC power plant
- · Southwest/Southeast Freeway ramps
- · The Marine Corps Barracks including the existing facility and proposed facilities
- · Garfield and Virginia Avenue Parks including use, noise, and views
- · The Washington Navy Yard

NCPC staff also encourages FHWA and DDOT to coordinate with the District of Columbia Office of Planning (DCOP) and NCPC on future treatment and landscape options for the public space in the project area.

As federal activities in the region are subject to NCPC's Comprehensive Plan for the National Capital; please evaluate all alternatives against the policies and objectives of the Plan, particularly the Historic Preservation, Environment, Transportation, and Parks and Open Space Elements. The project will affect federal land including federally owned streets and is required to

Page 3 – Mr. Plano

be submitted to NCPC for review and approval in accordance with the National Capital Planning Act. Please see our website at www.ncpc.gov for the Comprehensive Plan for the National Capital and for our submission polices and requirements.

NCPC staff appreciates the opportunity to participate in the scoping stage and we look forward to continued involvement in the process and the project. If you have any questions regarding our comments, please contact Cheryl Kelly at (202) 482-7291 or cheryl.kelly@ncpc.gov.

Sincerely,

David W. Levy, RA, AICP

Director, Urban Design and Plan Review



Government of the District of Columbia Fire and Emergency Medical Services Department Washington, D.C. 20001



August 11, 2011

Mr. Steve Plano Parsons Brinckerhoff 1401 K Street NW Suite 701 Washington, DC 20005

Mr Plano,

The District of Columbia Fire and EMS Department has reviewed your letter dated August 2, 2011 regarding the proposed CSX Virginia Ave. Tunnel Project, and the ongoing environmental assessment. We are unaware of any cultural or environmental resources located within the project area, and have no concerns at this time.

As the project moves forward, we would appreciate consideration of fire protection features, fire department access and egress as well as coordination of emergency response needs of the project. It is our goal to provide unequalled customer service, and working together helps accomplish this goal.

Thank you for including our agency in this process.

Sincerely,

Bruce D. Faust Deputy Fire Chief Fire Marshal

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Housing and Community Development



Office of the Director

AUG 2 3 2011

Mr. Steve Plano Project Manager Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on Scoping Letter for Environmental Assessment and Section 106 Evaluation for the CSXT Virginia Avenue Tunnel Project SE Washington DC

Dear Mr. Plano:

This letter responds to the letter of August 2, 2011 from Mr. Faisal Hameed, Division Chief, Project Development, Environment and Sustainability Division, of the DC Department of Transportation (DOT), regarding the submission of comments on the above referenced Scoping Letter. Mr. Hameed requested that comments be submitted to your attention as the consultant team Project Manager on this project.

The Department of Housing and Community Development (DHCD) understands that the purpose of the project requiring the Environment Assessment (EA) is the reconstruction of the Virginia Avenue railroad tunnel located in southeast Washington DC beneath the eastbound lanes of Virginia Avenue SE. DHCD further understands that the EA is being prepared in accordance with the National Environmental Policy Act of 1969, and for the effect to historic resources from the project will also be assessed in compliance with Section 106 of the National Historic Preservation Act.

DHCD has provided funding to the DC Housing Authority for many construction phases of the Arthur Capper/Carrollsburg HOPE VI project (HOPE VI), located directly south of the eastbound lanes of Virginia Avenue SE. Virginia Avenue SE is in fact the north boundary of the HOPE VI project. DHCD strongly suggests that the structural stability and integrity of the HOPE VI project now being completed be included as a concern and issue that will be addressed in the EA. Because of direct adjacency to eastbound lanes of Virginia Avenue SE, DHCD is concerned that vibrations caused by reconstruction of the railroad tunnel under Virginia Avenue not cause any damage to the recently completed construction of the HOPE VI project buildings (especially those facing Virginia Avenue or closest to it).

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শ্বিকর ১৮০ শ্রেমর চুল হ্রু ১৮০**১ প্রতির্থান ম**হার্থার মান্ত্রী হৈছে বিশ্বিক বিদ্যালয়

Thank you for the opportunity to offer comments on the Scoping Letter for the EA for the CSXT Virginia Avenue Tunnel Project.

Sincerely,

John E. Hall Director

GOVERNMENT OF THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER



September 8, 2011

Mr. Faisal Hameed, Division Chief Project Development, Environment & Sustainability Division District Department of Transportation 55 M Street, SE, Suite 500 Washington, DC 20003

RE: Initial Section 106 Evaluation: CSXT New Jersey Avenue Track Lowering and Virginia Avenue Tunnel Replacement; "National Gateway Initiative" - CSX Transportation Inc., Washington, DC

Dear Mr. Hameed:

Thank you for contacting the DC State Historic Preservation Office (SHPO) regarding the above-referenced matters. We are writing in accordance with Section 106 of the National Historic Preservation Act (NHPA) to provide our initial comments regarding effects on historic properties.

As you are aware, we have been working informally with CSX Transportation Inc., for some time to begin the process of identifying the potential effects of the proposed projects on historic properties in anticipation of a related federal undertaking. Until now, the exact nature of federal involvement has been unclear, but we now understand that the federal undertaking will consist of "oversight and approval" by the Federal Highway Administration (FHWA) in the form of permits that will allow CSX to temporarily use air rights in the vicinity of Interstate 295/11th Street Bridges and to temporarily close the Southeast Freeway/I-295 ramp on 8th Street, SE to facilitate the reconstruction of the Virginia Avenue Tunnel. We would appreciate being notified of any additional federal involvement that may be required as the projects move forward.

In response to your request for information to assist FHWA and the District Department of Transportation (DDOT) to "identify important environmental and cultural constraints" related to the undertaking, we are providing copies of some of our prior correspondence that summarizes the results of our early identification and evaluation efforts. We do not have electronic copies of the referenced studies but believe those to be available from CSX. Please note, however, that the information in the attached letters is preliminary and subject to change as the result of on-going consultation.

If you should have any questions or comments regarding this matter, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions and comments relating to archaeology should be directed to Ruth Trocolli at ruth.trocolli@dc.gov or 202-442-8836. Otherwise, we thank you for providing this opportunity to comment and look forward to working with all parties to complete the Section 106 review of these projects.

Sincerely,

C. Andrew Lewis

Senior Historic Preservation Specialist DC State Historic Preservation Office

Enclosures 09-100

cc: Elizabeth Purcell, CHRS

Keith Brinker, CSX Mike Hicks, FHWA

Stephen Plano, Parsons Brinckerhoff

Cooperating Agency Correspondence



U.S. Department of Transportation

Federal Highway Administration District of Columbia Division (202) 219-3570 FAX 219-3545
June 29, 2011

1990 K Street, NW Suite 510 Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Mr. Steve Whitesell Regional Director National Park Service National Capital Region 1100 Ohio Drive, SW Washington, DC 20242

Dear Mr. Whitesell:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. Since the National Park Service (NPS) meets the criteria for Cooperating Agency status due to potential impacts of the CSXT project on NPS facilities, FHWA invites NPS to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at: (202) 219-3513 or by email at michael.hicks@dot.gov; or Faisal Hameed DDOT at (202-671-2326 or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

\ (

Sincerely,

Joseph C. Lawson

Division Administrator

awsb

cc: Lavinia Thomas, Esq. FHWA Vanessa Powell, Esq. FHWA Faisal Hameed, DDOT, PPSA Saadat Khan, DDOT, PPSA



IN REPLY REFER TO

United States Department of the Interior

NATIONAL PARK SERVICE National Capital Region 1100 Ohio Drive, S.W. Washington, D.C. 20242

AUG 1 2 2011

Mr. Faisal Hameed Manager, Project Development and Environment District of Columbia Department of Transportation 55 M Street, S.E. Washington, D.C. 20006

Dear Mr. Hameed:

I want to thank the Federal Highway Administration and the District of Columbia Department of Transportation for initiating an environmental study that will determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel between 2nd and 11th Streets, S.E.

The National Park Service (NPS) will accept being a cooperating agency with Federal Highway Administration being the lead agency for the referenced CSXT project in accordance with the National Environmental Policy Act, the National Historic Preservation Act as amended and all federal regulations that support these two federal acts. The NPS understands an Environmental Assessment (EA) will be developed that will identify a reasonable range of alternatives and analyze the environmental impacts from the proposed alternatives. The NPS anticipates an active coordination between the interested parties throughout the EA process and will adopt the EA after the public and agency review periods determine the proposed project does not identify any significant environmental impacts. Should the NPS determine that the preferred alternative will not have significant impacts on any resource analyzed in the EA, the NPS will develop its own Finding of No Significant Impact and submit a signed copy to the projects Administrative Record upon my signature.

If you have any questions, please contact David Hayes, National Capital Region Transportation Liaison at (202) 619-7277 or via E-mail <u>david_hayes@nps.gov</u>. I look forward to future opportunities to work together.

Sincerely,

Regional Director, National Capital Region



U.S. Department of Transportation

Federal Highway
Administration

District of Columbia Division (202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW Suite 510 Washington, DC 20006-1103

· In Reply Refer To: HDA-DC

Mr. Steve Whitesell Regional Director, National Park Service National Capital Region 1100 Ohio Drive, SW Washington, DC 20242

Dear Mr. Whitesell:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,

Joseph C. Lawson
Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.
David Hayes, NPS



U.S. Department of Transportation

Federal Highway
Administration

District of Columbia Division (202) 219-3570 FAX 219-3545

June 29, 2011

1990 K Street, NW Suite 510 Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Mr. David E. Levy Director Urban Design and Plan Review National Capital Planning Commission 401 9th Street, NW #Suite 500 Washington, DC 20004

Dear Mr. Levy:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. Since the National Capital Planning Commission (NCPC) meets the criteria for Cooperating Agency status due to the special expertise it has as the planning agency for the Federal government in the National Capital Region, FHWA invites NCPC to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at (202) 219-3513 or by email at michael.hicks@dot.gov; or Faisal Hameed DDOT at (202-671-2326 or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,

Joseph C. Lawson

Division Administrator

cc: Lavinia Thomas, Esq. FHWA Vanessa Powell, Esq. FHWA Faisal Hameed, DDOT, PPSA Saadat Khan, DDOT, PPSA



IN REPLY REFER TO: NCPC File No. 7270

July 19, 2011

Mr. Joseph C. Lawson
Division Administrator
District of Columbia Division
Federal Highway Administration
1990 K Street, NW
Suite 510
Washington, DC 20006-1103

Re: HDA-DC: CSXT Virginia Avenue Tunnel Environmental Assessment

Dear Mr. Lawson:

Thank you for extending the opportunity for the National Capital Planning Commission (NCPC) to be a cooperating agency on the CSX Transportation Virginia Avenue Tunnel Environmental Assessment (EA). After reviewing the project description, we accept Federal Highway Administration's offer to be a cooperating agency for this project.

As you know, the project will traverse through the Capitol Hill Historic District and the historic L'Enfant Plan area of the city, and has the potential to affect National Park Service and Department of Defense lands, as well as federally owned streets. As a result, NCPC staff will be focused in particular on any potential impacts that the project may have on these cultural resources and affected federal lands.

We appreciate the opportunity to participate in this phase of the EA and look forward to continued involvement in the EA process and the project. If you have any questions regarding our comments, please contact Cheryl Kelly at (202) 482-7291 or cheryl.kelly@ncpc.gov.

Sincerely,

David W. Levy, RA, AICP

Director, Urban Design and Plan Review



U.S. Department of Transportation

District of Columbia Division (202) 219-3570 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

Federal Highway Administration

May 2, 2012

In Reply Refer To: HDA-DC

Mr. Shane Detman
Acting Director Urban Design and Plan Review
National Capital Planning Commission
401 9th Street, NW (Suite 500)
Washington, DC 20004

Dear Mr. Detman:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,

Joseph C. Lawson

Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Cheryle Kelly, NCPC
Jeff Hinkle, NCPC
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.



District of Columbia Division (202) 219-3536 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

Federal Highway
Administration

December 16, 2011

Mr. David Valenstein
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental and Systems Planning Division
1200 New Jersey Avenue, SE – Mail Stop 20
Washington, DC 20590

Dear Mr. Valenstein:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owners of the streets and Interstate facilities adjacent to the referenced tunnel project and the Federal Highway Administration (FHWA), the lead Federal Agency in this undertaking. The Federal Railroad Administration (FRA) meets the criteria for Cooperating Agency status under CEQ NEPA regulations due to the special expertise it has as in issues and concerns related to railroad planning and operations, such as safety, train noise and vibrations; therefore, FHWA invites the FRA to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT project EA. If you have any questions or require additional information, please contact either Michael Hicks of my staff at: (202) 219-3513, or by email at michael.hicks@dot.gov; or Faisal Hameed (DDOT) at: (202-671-2326, or by email at faisal.hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,

Joseph C. Lawson Division Administrator

cc: Lavinia Thomas, Esq. FHWA Vanessa Powell, Esq. FHWA Faisal Hameed, DDOT, PPSA Saadat Khan, DDOT, PPSA



Federal Railroad **Administration**

1200 New Jersey Avenue, SE Washington, DC 20590

January 31, 2012

Joseph C. Lawson Division Administrator District of Columbia Division Federal Highway Administration 1900 K Street, NW; Suite 510 Washington, DC 20006-1103

Cooperating Agency - CSXT Virginia Avenue Tunnel Project RE:

District of Columbia

Dear Mr. Lawson:

The Federal Railroad Administration (FRA) received your December 16, 2011 letter extending an invitation to FRA to become a cooperating agency with the Federal Highway Administration (FHWA) regarding the proposed CSXT Virginia Avenue Tunnel project in the District of Columbia. The FRA understands that the District Department of Transportation (DDOT), as owners of the streets and Interstate facilities adjacent to the project, are developing an Environmental Assessment, pursuant to the National Environmental Policy Act of 1969 as amended, 42 USC 4321 et seq. (NEPA), the Council of Environmental Quality NEPA regulations (40 CFR parts 1500-1508) and, FRA NEPA procedures 64 FR28545 (May 26, 1999).

In accordance with 40 CFR 1501.6, the FRA accepts the invitation to participate as a cooperating agency in the development of the NEPA documentation. As a cooperating agency, our involvement may include the following activities:

- Participate in the NEPA process
- Assist with identifying interest groups
- Participate in the scoping process and coordination meetings.
- Provide information on alternatives
- Identify relevant technical studies or issues needed to fulfill NEPA and other regulatory permits or approvals for the project
- Assist FHWA in determining appropriate and practicable mitigation.
- Review pre-draft and pre-final environmental documents

If you have any questions, please contact Ms. Michelle Fishburne, the regional Environmental Protection Specialist, at (202) 493-0398 or Michelle.Fishburne@dot.gov. The FRA looks forward to working with FHWA and DDOT on this important project.

Sincerely,

David Valenstein **Division Chief**

Environmental and Systems Planning



Administration

District of Columbia Division (202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW Suite 510 Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Mr. David Valenstein
Federal Railroad Administration
Office of Railroad Policy and Development
Environmental and Systems Planning Division
1200 New Jersey Avenue, SE – Mail Stop 20
Washington, DC 20004

Dear Mr. Valenstein:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

During the EA process, FHWA determined that the VAT project is likely to have a significant impact on the environment; therefore, the preparation of an Environmental Impact Statement (EIS) is warranted.

The VAT project is unique because it is not a District Department of Transportation (DDOT) undertaking. It is an undertaking proposed by CSX, a private freight rail Transportation Corporation. CSX owns and operates the Virginia Avenue Tunnel and other railroad tracks in the District. From the perspective of CSX, the purpose and need of the VAT project is to correct the deficiencies of the tunnel, some of which are attributable to the age of this facility, and to increase the capacity of the tunnel to meet future freight transportation demand. CSX requires maintaining freight traffic while undergoing the VAT reconstruction.

The CSX interest differs from the FHWA interest, which initially only involved the effects of the CSX undertaking on Interstate operations and air rights. The divergent Federal and private interests serve to compound the uniqueness of the project because the purpose and need by necessity must combine both Federal and private interest, in addition to the interests of DDOT, the owner of the city streets, including Virginia Avenue, S.E., that would be impacted by the project. As the project concepts advanced and the scope of the construction associated with the conceptual designs gained focus, it became clear to FHWA that it must assume responsibility to look at the project in its entirety with the assistance of those agencies with cooperating agency status.

This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to michael.hicks@dot.gov.

Sincerely,

DOL

Joseph C. Lawson Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Michelle Fishburne, FRA
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.



Federal Highway Administration District of Columbia Division (202) 219-3570 FAX 219-3545

March 5, 2012

1990 K Street, NW Suite 510 Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Colonel Paul D. Montanus Commanding Officer Marine Barracks, Washington, DC 8th and I Streets, SE 20390 Washington, DC 20590

Dear Colonel Montanus:

As you are aware, CSX Transportation, Inc. (CSXT) has initiated an environmental study, as required by the National Environmental Policy Act (NEPA), to determine the environmental effects of the proposed CSXT Virginia Avenue Tunnel (VAT) project in the District of Columbia. This environmental study is being developed in conjunction with the District Department of Transportation (DDOT), owner of the streets and Interstate facilities adjacent to the referenced tunnel project, and the Federal Highway Administration (FHWA). FHWA is the lead Federal Agency in this undertaking.

The Marine Barracks meets the criteria for Cooperating Agency status under the Council of Environmental Quality and NEPA regulations due to your expertise in developing and reviewing information pertaining to potential impacts to your facility. This letter serves as an invitation to the Marine Barracks to become a Cooperating Agency in the development of the Environmental Assessment (EA) for the CSXT Virginia Avenue Tunnel project.

Please respond in writing within 30 days of receipt of this solicitation if you either accept or decline Cooperating Agency status regarding the referenced CSXT VAT project EA.

If you have any questions or require additional information, please contact either Michael Hicks of my staff at (202) 219-3513 (<u>michael.hicks@dot.gov</u>); or Faisal Hameed (DDOT) at (202) 671-2326 (<u>faisal.hameed@dc.gov</u>). Thank you for your cooperation and interest in this project.

awst

Sincerely,

Joseph C. Lawson

Division Administrato

cc: Lavinia Thomas, Esq. FHWA
Vanessa Powell, Esq. FHWA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Captain Kenneth W. Branch, NAVFAC Washington
Kevin Montgomery, NAVFAC Washington

United States Marine Corps

Marine Barracks 8th & I STREETS S. E. WASHINGTON D.C. 20390-5000

> 5216 April 04, 2012

Mr. J. C. Lawson Division Administrator U.S. Department of Transportation 1990 K Street Suite 510 Washington, DC 20006-1103

Dear Mr. Lawson:

SUBJECT: CSX VIRGINIA AVENUE TUNNEL PROJECT

- 1. Your letter of March 5, 2012 invited Marine Barracks Washington (MBW) to participate in the CSX Transportation Virginia Avenue Tunnel project as a National Environmental Policy Act cooperating agency. Marine Barracks Washington accepts Cooperating Agency status.
- 2. The appropriate contact within this organization is Major Christopher Johnson at (202) 433-6269 or (Christopher I. Johnson@usmc.mil). Thanks you for soliciting Marine Barracks Washington participation.

Christopher I Johnson Major, United States Marine Corps



Administration

District of Columbia Division (202) 219-3570 FAX 219-3545

May 2, 2012

1990 K Street, NW Suite 510 Washington, DC 20006-1103

In Reply Refer To: HDA-DC

Colonel Paul D. Montanus Commanding Officer Marine Barracks, Washington, DC 8th and I Streets, SE 20390 Washington, DC 20590

Dear Colonel Montanus:

As the Lead Federal Agency for the CSX Transportation, Inc. (CSX) proposal to reconstruct the Virginia Avenue Tunnel (VAT), the Federal Highway Administration (FHWA), District of Columbia Division has determined that the current class of environmental action regarding the type or level of documentation required for the VAT project's National Environmental Policy Act (NEPA) process should be changed. Initially, the VAT project was federalized by FHWA due to the effects of the project on Interstate operations and the temporary usage of Interstate air rights, which at that time defined the Federal interest. Since the environmental impacts associated with the temporary Interstate ramp closures and usage of air rights was unclear, it was determined an environmental assessment (EA) was the appropriate level of documentation needed to comply with NEPA. The purpose of the EA was to address the transportation problem created by the VAT project which specifically included temporary closure of Interstate access points (6th and 8th Street ramps) and use of air rights under the Southeast Freeway and the 11th Street Bridge. Therefore, when originally making the decision on the NEPA classification of the project, it was our view that the EA would be narrowly focused on surface transportation issues.

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This letter serves as notification to you as a Cooperating Agency that a Notice of Intent will be submitted to the Office of the Federal Register by FHWA for publication of the intent to develop an EIS for the VAT project. If you have questions or comments, please address them to Michael Hicks of my staff at (202) 219-3513, or by email to <u>michael.hicks@dot.gov</u>.

Sincerely,

For J

Joseph C. Lawson Division Administrator

cc: Sharon Vaughn-Fair, ELS, FHWA
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Kevin Montgomery, NAVFAC Washington
Carol Braegelmann, FHWA
Keith Brinker, CSX
Stephen R. Flippin, CSX
Chip Dobson, CSX
Ronaldo T. Nicholson, DDOT, IPMA
Faisal Hameed, DDOT, PPSA
Saadat Khan, DDOT, PPSA
Steve L. Plano, Parsons Brinckerhoff, Inc.
Major Christopher I. Johnson

Section 7 Correspondence

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



Planning, Policy & Sustainability Administration

August 22, 2011

Mr. Devin Ray U.S. Fish and Wildlife Service - Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401

RE: Request for species of concern information for the CXT Virginia Avenue Tunnel Project Environmental Assessment, Washington, DC

Dear Mr. Ray:

CSX Transportation, Inc. (CSXT) has requested the District Department of Transportation (DDOT) to consider permits allowing CSXT the temporary usage of air rights in the vicinity of Interstate 295/11th Street Bridges and for temporary closure of the Southeast Freeway/I295 ramp on 8th Street, SE to facilitate construction associated with reconstructing Virginia Avenue Tunnel. The project also includes slightly lowering the railroad grade beneath New Jersey Avenue SE. This request will require oversight and approval by the Federal Highway Administration (FHWA). The District Department of Transportation (DDOT) and Federal Highway Administration (FHWA) are starting an Environmental Assessment (EA) to assess the impacts of the proposed CSX Transportation (CSXT) Virginia Ave Tunnel project to comply with the National Environmental Policy Act (NEPA). Effect to the historic resources from this project will also be assessed in compliance with the Section 106 of the National Historic Preservation Act.

Virginia Avenue Tunnel is a railroad tunnel located in southeast Washington, DC, beneath the eastbound Virginia Avenue SE. The tunnel's west and east portals are located near 2^{nd} Street SE and 11^{th} Street SE, respectively (see attached map).

We request any information concerning federally-listed threatened or endangered plant or animal species and/or any unique habitat that may occur in the project area and whether a formal Section 7 consultation will be required.

Any comments or suggestions you may have regarding important factors that should be considered in the assessment of environmental and cultural resources located within the project area will allow us to comprehensively address all potential impacts as the process moves forward.

If you have any questions, please feel free to contact me at faisal.hameed@dc.gov or District Department of Transportation, Planning, Policy & Sustainability Administration, 55 M Street, SE, Suite 500, Washington, DC 20003

Sincerely,

Faisal Hameed Division Chief

Project Development, Environment and Sustainability

Cc: Mike Hicks (FHWA)



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, Maryland 21401 http://www.fws.gov/chesapeakebay

June 11, 2012

Faisal Hameed Infrastructure Project Management Administration (IPMA) District Department of Transportation 55 M Street, SE, Suite 500 Washington DC 20003

RE: Virginia Ave Tunnel EIS, Washington DC

Dear Mr. Hameed:

This responds to your letter, received August 22, 2011, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened in the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no proposed or federally listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or should additional information on the distribution of listed or proposed species become available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. Limited information is currently available regarding the distribution of other rare species in the District of Columbia. However, the Nature Conservancy and National Park Service (NPS) have initiated an inventory of rare species within the District. For further information on such rare species, you should contact Tanya Shenk of the National Park Service at (970) 267-2193.

Effective August 8, 2007, under the authority of the Endangered Species Act of 1973, as amended, the U.S. Fish and Wildlife Service (Service) removed (delist) the bald eagle in the lower 48 States of the United States from the Federal List of Endangered and Threatened Wildlife. However, the bald eagle will still be protected by the Bald and Golden Eagle Protection Act, Lacey Act and the Migratory Bird Treaty Act. As a result, starting on August 8, 2007, if your project may cause "disturbance" to the bald eagle, please consult the "National Bald Eagle Management Guidelines" dated May 2007.



If any planned or ongoing activities cannot be conducted in compliance with the National Bald Eagle Management Guidelines (Eagle Management Guidelines), please contact the Chesapeake Bay Ecological Services Field Office at 410-573-4573 for technical assistance. The Eagle Management Guidelines can be found at:

 $\underline{http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf.}$

In the future, if your project can not avoid disturbance to the bald eagle by complying with the Eagle Management Guidelines, you will be able to apply for a permit that authorizes the take of bald and golden eagles under the Bald and Golden Eagle Protection Act, generally where the take to be authorized is associated with otherwise lawful activities. This proposed permit process will not be available until the Service issues a final rule for the issuance of these take permits under the Bald and Golden Eagle Protection Act.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if alterations of wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,

Genevieve LaRouche

& La Rouche

Supervisor

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



d. Infrastructure Project Management Administration

June 22, 2012

Ms. Sylvia Whitworth
District Department of the Environment
Fisheries and Wildlife Division
51 N Street NE, 5th Floor
Washington, DC 20002

RE: Threatened and Endangered Species and Species of Greatest Conservation Need CSX Transportation, Inc., Virginia Avenue Tunnel Project, Washington, DC

Dear Ms. Whitworth:

CSX Transportation, Inc. (CSX) is proposing to reconstruct Virginia Avenue Tunnel, which is located in southeast Washington, DC in the Capitol Hill neighborhood. This railroad tunnel located beneath the eastbound Virginia Avenue SE, with portals located near 2nd Street SE and 11th Street SE (see attached USGS quadrangle). The project also includes slightly lowering the rail crossing beneath New Jersey Avenue SE. CSX has requested that DDOT consider permits to allow CSX the usage of air rights in the vicinity of the Southeast Freeway (I-695) and the temporary closure of I-695 ramps to facilitate project construction. This request will require oversight and approval by the Federal Highway Administration (FHWA), including compliance with the National Environmental Policy Act (NEPA), as amended. An Environmental Impact Statement will be prepared for the project.

In accordance with the U.S. Fish & Wildlife Service's Chesapeake Bay Field Office Endangered Species List Request Review procedures, we have determined that our project area is located on two USGS topographic quadrangle maps: Washington East, DC and Washington West, DC. We have received a list request response back from the US Fish and Wildlife Service (USFWS) confirming there are no proposed or federally listed endangered or threatened species that are known to exist in the project impact area.

We respectfully request any information concerning District-listed or proposed threatened or endangered plant or animal species and/or any critical habitats that may occur within or adjacent to the project area and if there are any concerns related to *Species of Greatest Conservation Need*. A project location map showing the Washington East, DC and Washington West, DC USGS maps is enclosed for your use. (Please note that the attached map also includes the

Alexandria, VA and Anacostia, DC USGS maps to complete the Project Location Map. However, the project area does not physically extend to these two lower USGS maps.)

If you have any questions, please feel free to contact me at <u>faisal.hameed@dc.gov</u> or District Department of Transportation, Project Development and Environment Division, 55 M Street, Suite 500, Washington, DC 20003.

Sincerely,

Faisal Hameed

Manager, Project Development and Environment Division

Enclosure

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of the Environment



Fisheries and Wildlife Division

July 13, 2012

Faisal Hameed, Manager Project Development and Environment Division Infrastructure Project Management Administration District Department of Transportation 55 M Street, SE, Suite 400 Washington, D.C. 20003

Re: Threatened and Endangered Species and Species of Greatest Conservation Need CSX Transportation, Inc., Virginia Avenue Tunnel Project

Dear Mr./Ms. Hameed,

Per your written request dated 22 June 2012, I am providing you with the best wildlife occupancy information for the proposed reconstruction of the Virginia Avenue Tunnel and the proposed project's potential impact on Species of Greatest Conservation Need (SGCN) as designated by the District Department of the Environment (DDOE).

At this time DDOE has no knowledge of any known or proposed federally-listed threatened or endangered species within the area of the proposed project. DDOE is, however, aware of several SGCN (Diagram 1.0) neighboring the project area, they are as follows:

Common Name	Scientific Name	SGCN	*Proposed SGCN
American Toad	Bufo americanus	√	
Green Frog	Lithobates (formerly Rana) clamitans		√
Gray Treefrog	Hyla versicolor		1
Southern Leopard Frog	Rana sphenocephala		1
Redbelly Turtle	Pseudemys rubriventris	1	
Eastern small-footed bat	Myotis lebii	1	
Little brown bat	Myotis lucifugus	√	

^{*}These species will be under review for listing as a SGCN for the 2015 revision to the District Wildlife Action Plan

DDOE recommends that DDOT and/or its contractors be alert and considerate of not just SGCN, but any species of wildlife that they may encounter during this project implementation. DDOE has also identified several non-SGCN birds in the area (e.g., northern mockingbird, American robin, song sparrow, house sparrow, and European starling).



A ONE A

Page 2, Reconstruction project of the Virginia Avenue Tunnel

In the District of Columbia all wildlife is protected (Title 19, District of Columbia Municipal Regulations, §1560.1). To facilitate the management of these resources, DDOE created a Wildlife Action Plan (WAP) as required by a Congressional mandate. The approved plan is being implemented and lists known SGCN and priority (critical) habitat in need of protection.

Diagram 1.0 Species of Greatest Conservation Need



This response includes information for wildlife species only. It <u>does</u> <u>not</u> include any specified or implied review(s) for potential impacts to anadromous finfish or other fish for the proposed tunnel reconstruction project.

Your awareness of and concern for wildlife resources in the District of Columbia is appreciated. If you have additional questions or concerns, please do hesitate to contact me at 202.535.2276 or email me at sylvia.whitworth@dc.gov.

Sincerely,

Sylvia Whitworth, Chief

Wildlife Management Branch

Fisheries and Wildlife Division

District Department of the Environment

1200 First Street, N.E. 5th Floor

Washington, D.C. 20002

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION



d. Infrastructure Project Management Administration.

June 12, 2012 Stephen Syphax Chief, Resource Management Division National Capital Parks-East National Park Service 1900 Anacostia Drive, S.E. Washington, D.C. 20020

RE: Rare Species

CSX Transportation, Inc., Virginia Avenue Tunnel Project, Washington, DC

Dear Mr. Syphax:

CSX Transportation, Inc. (CSX) is proposing to reconstruct Virginia Avenue Tunnel, which is located in southeast Washington, DC in the Capitol Hill neighborhood. This railroad tunnel located beneath the eastbound Virginia Avenue SE, with portals located near 2nd Street SE and 11th Street SE (see attached USGS quadrangle). The project also includes slightly lowering the rail crossing beneath New Jersey Avenue SE. CSX has requested that DDOT consider permits to allow CSX the usage of air rights in the vicinity of the Southeast Freeway (I-695) and the temporary closure of I-695 ramps to facilitate project construction. This request requires oversight and approval by the Federal Highway Administration (FHWA), including compliance with the National Environmental Policy Act (NEPA), as amended. An Environmental Impact Statement is being prepared for the project by FHWA and DDOT.

In accordance with the Section 7 of the Endangered Species ACT, we have coordinated with the U.S. Fish & Wildlife Service (USFWS) regarding the presence of federally-listed threatened or endangered species within the project study area. A response was received from the USFWS dated June 11, 2012 confirming there are **no proposed or federally listed endangered or threatened species that are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation with USFWS is required**

In the response letter, USFWS also requested coordination with the NPS regarding rare species (see attached USFWS response letter). We respectfully request any information you may have on rare

species within the project study area, and any concerns related to rare species. A project location map showing the Washington East, DC and Washington West, DC USGS maps is enclosed for your use. (Please note that the attached map also includes the Alexandria, VA and Anacostia, DC USGS maps to complete the Project Location Map. However, the project area does not physically extend to these two lower USGS maps.)

If you have any questions, please feel free to contact me at faisal.hameed@dc.gov or District Department of Transportation, Project Development and Environment Division, 55 M Street, Suite 500, Washington, DC 20003.

Sincerely,

Faisal Hameed

Manager, Project Development and Environment Division

CC: Alex Romero (NPS)
David Hayes (NPS)
Mike Hicks (FHWA)
Lezlie Rupert (DDOT)
Steve Plano (PB)



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Parks-East 1900 Anacostia Drive, S.E. Washington, D.C. 20020

IN REPLY REFER TO-

July 18, 2012

N14 (NCR- NACE/RM)

Mr. Faisal Hameed
Manager, Project Development and Environment Division
Department of Transportation
Government of the District of Columbia
55 M Street, S.E., Suite 500
Washington, D.C. 20003

Dear Mr. Hameed:

This is in response to your letter of June 12, 2012 regarding the potential for rare species along the CSX Transportation, Inc. Virginia Avenue Tunnel project area. Our park files contain no records of proposed or federally listed endangered or threatened species in the subject area (excluding occasional transient individuals).

We appreciate this follow-up communication with the National Park Service, pursuant to the US Fish and Wildlife Service's request. You may contact me directly at (202) 690-5160 with any questions.

Sincerely,

FJR

Stephen W. Syphax

Mato Molle

Chief, Resource Management Division



Section 106 Correspondence Memorandum of Agreement



Federal Highway

Administration

District of Columbia Division

November 4, 2011

1990 K Street, NW Suite 510 Washington, DC 20006 202-219-3570

In Reply Refer To: HDA-DC

Mr. David Maloney State Historic Preservation Officer District of Columbia Historic Preservation Office 1100 4th Street, NW, Suite E650 Washington, DC 20024

Dear Mr. Maloney:

On May 8, 2011, FHWA agreed to Lead Agency status regarding the CSX Transportation, Inc. (CSXT) project regarding proposed changes to the Virginia Avenue Tunnel. Based on information provided from CSXT to date, it is anticipated the proposed reconstruction of the Virginia Avenue Tunnel will require closure of an I-295 access point (ramp) on 8th Street, SE and temporary usage of I-295 air/subsurface rights associated with that ramp.

It has been determined that the National Environmental Policy Act classification of action required for the CSXT project is an Environmental Assessment. At the time of lead agency acceptance by (FHWA), the effects of the CSXT project on historic resources were not known; however, after further consideration of the project and the anticipated area of potential effects (APE), FHWA has determined that Section 106 of the National Historic Preservation Act is applicable. The project area consist of Historic Capitol Hill, the L'Enfant Plan of the city of Washington (each National Register listed), the Virginia Avenue Tunnel and Saint Paul's African Union Methodist Church which are eligible for the National Register. In an effort to streamline the Section 106 process for this federalized project, FHWA is requesting initiation of early consultation to resolve effects to the Section 106 resources. We are also requesting your input on the list of potential consulting parties to be developed.

Once the construction phase begins, it is anticipated there will be effects to historic resources; therefore, FHWA seeks the involvement of all stakeholders in the findings and determinations made during the Section 106 process regarding the Virginia Avenue Tunnel reconstruction. A map of the APE and a project area map are enclosed.

If you have any questions or require additional information, please contact either Michael Hicks of my staff at (202) 219-3513 or by email at Michael.Hicks@dot.gov; or Faisal Hammed, DDOT at (202) 671-2326 or by email at Faisal.Hameed@dc.gov. Thank you for your cooperation and interest in this project.

Sincerely,

Joseph C. Lawson Division Administrator

sough C. James

cc: Faisal Hameed, PPSA, DDOT Andrew Lewis, DC SHPO Keith Brinker, CSX

Virginia Avenue Tunnel Project Cultural Resources Map

GOVERNMENT OF THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER



November 22, 2011

Mr. Joseph Lawson, Division Administrator U.S. Department of Transportation Federal Highway Administration District of Columbia Division 1990 K Street, NW, Suite 510 Washington, DC 20006

RE: Initiation of Section 106: CSXT New Jersey Avenue Track Lowering and Virginia Avenue Tunnel Replacement; "National Gateway Initiative" - CSX Transportation Inc., Washington, DC

Dear Mr. Lawson:

Thank you for formally initiating the Section 106 review process for the above-referenced undertaking with the DC State Historic Preservation Office (DC SHPO). We are writing to provide our initial comments regarding effects on historic properties.

As you are aware, we wrote to the District Department of Transportation (DDOT) and the Federal Highway Administration (FHWA) on September 8, 2011 to summarize our informal coordination with CSX Transportation Inc., to date, and to provide copies of our prior correspondence.

In response to your recent letter, we have reviewed the draft Area of Potential Effects (APE) and concur that it is generally appropriate to take into account the effects of the undertaking as we currently understand it. Revisions to the APE may be necessary as we learn more about the proposed scope of work and the manner in which it will be carried out.

With regard to potential consulting parties, we understand that FHWA and DDOT are preparing a draft list of potential parties but we recommend that the following groups be notified and invited to participate in the consultation:

- Barracks Row MainStreet
- St. Paul's African Union Methodist Church
- The affected Advisory Neighborhood Commission(s)
- The Committee of 100 on the Federal City
- The U.S. Marine Corps
- The U.S. Navy

Property owners and other organizations and individuals in the immediate project area should also be contacted to determine whether they have any particular interest in effects on historic properties. We request to be notified of the groups that do express an interest in participating in the consultation. We note that the Capitol Hill Restoration Society has already requested consulting party status.

In order to move forward with the Section 106 process, we will require additional information about the scope of the project – especially as it relates to the Virginia Avenue Tunnel – so that we can begin to identify the potential direct and indirect effects of the undertaking. We understand that an Environmental Assessment (EA) will be prepared for NEPA compliance but a separate summary that specifically addresses the effects of the undertaking on historic properties would be helpful, if possible.

Mr. Joseph Lawson, Division Administrator CSXT New Jersey Avenue Track Lowering and Virginia Avenue Tunnel Replacement; "National Gateway Initiative" CSX Transportation November 22, 2011 Page 2

With regards to archaeology, two parcels (Reservations 122 and 126) within the proposed APE were surveyed in 2010 by John Milner & Associates, Inc., and no archaeological resources were identified. The DC SHPO concurred with the results of that study and a final copy of the report is now on file here (DC SHPO Archaeological Report # 478). Additional investigations may be needed in other parts of the APE and any survey areas will be determined in ongoing Section 106 consultation as the project scope and detailed plans are developed.

An additional archaeological concern is the effect(s) of the project on two sites within former square 999, identified during a survey for the 11th St. Bridges project. The proposed APE appears to cross these two sites, 51SE057 and 51SE062, but it is unclear exactly what level of activity is planned for them. These two sites will also be discussed during the Section 106 consultations for the proposed project.

We look forward to consulting with all parties to identify effects on historic properties and to resolve any adverse effects. If you should have any questions or comments regarding this matter, please contact me at andrew.lewis@dc.gov or 202-442-8841. Questions and comments relating to archaeology should be directed to Ruth Trocolli at ruth.trocolli@dc.gov or 202-442-8836.

Sincerely,

C. Andrew Lewis

Senior Historic Preservation Specialist DC State Historic Preservation Office

09-100

cc: Elizabeth Purcell, CHRS

Keith Brinker, CSX Mike Hicks, FHWA

Stephen Plano, Parsons Brinckerhoff

CAPITOL HILL RESTORATION SOCIETY

P.O. Box 15264 Washington, DC 202.543.0425

November 19, 2012

Mr. Joseph C. Lawson Administrator, DC Division Federal Highway Administration 1990 K Street, NW, Suite 510 Washington, DC 20006-1103

Subject: Section 106 Review of the Virginia Avenue Tunnel Project

Dear Mr. Lawson:

The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to participate as a Consulting Party in the Section 106 review of the Virginia Avenue Tunnel Project (VAT), which would cross the Capitol Hill Historic District and could have serious effects on numerous historic properties. The meetings this year with Consulting Parties have been very helpful and informative, and CHRS would like to offer some comments based on information presented at the most recent of these meetings and at the public meeting in late September.

L'Enfant Plan and the Capitol Hill Historic District

CHRS agrees with the preliminary assessment that the project will have adverse effects on both the L'Enfant Plan and the Capitol Hill Historic District. For example, Virginia Avenue Park, which is a contributing property in both the Plan and the Historic District, will not only suffer visual effects during construction, but it would also be physically torn up during construction in all of the Build Alternatives and used for an open runaround track in Alternative 2. We also remain concerned about effects on Garfield Park, which is adjacent to the tunnel's east end, as well as on many contributing buildings.

We urge that those engaged in assessing effects look beyond visual effects, which seemed to be emphasized in the Preliminary Effect Assessment, and give further consideration to other effects, including vibrations both from trains running in open trenches and from heavy equipment, trucks, demolition, and earthmoving. In particular, we are concerned that Alternative 3 would involve a new permanent track alignment that could be as much as 20 feet farther south than the present tunnel, putting heavy trains even closer to fragile historic structures south of the freeway. Similarly, the temporary open runaround track needed for Alternative 2 would be closer to those fragile buildings when compared to Alternative 4, potentially subjecting them to substantial vibrations from moving trains unbuffered by an enclosed tunnel. Since no one staffing the breakout sessions at the last public meeting could tell us how close tracks would be to historic structures in the Build Alternatives, it would be very helpful for the DEIS to provide fairly precise information regarding the proximity of both runaround and permanent tracks to historic properties so measures to avoid, minimize, and mitigate adverse effects can be evaluated more knowledgeably.

CHRS is not inclined to assume that there would be no effects on the Washington & Georgetown Railroad Car House, which is a contributing property in the Historic District as well as being individually listed. Again, visibility is not the only concern here, and other effects such as vibrations need to be considered as well. In addition, if other possible impacts from noise, traffic, and construction activity were to affect the attractiveness of this building for adaptive reuse or postpone its redevelopment and thus lead to deferred maintenance or neglect, we would consider that to have an adverse effect.

We agree with Mr. Andrew Lewis of the DC Historic Preservation Office (HPO) that traffic issues affect the settings and use of historic properties and should be considered more carefully as well. The effects of traffic diversions, for instance, should be thought about in terms of whether they could direct heavier vehicles onto narrow residential streets than usual, which in turn could lead to damaging vibrations. Effects of traffic and construction activity on and around 8th Street should also receive careful scrutiny for their potential to disrupt pedestrian and vehicular access to the full length of Barracks Row Main Street businesses. Especially since this project would involve earthmoving and trenching across a historic district in close proximity to fragile historic structures, effects and their avoidance and minimization need to be thoughtfully studied.

Other Historic Properties

Virginia Avenue Tunnel – This clearly will be adversely affected if the project goes forward. It is not too soon to begin the tunnel's thorough recordation to Historic American Engineering Record standards, which should be undertaken in any case, if it hasn't been conducted already, due to its historic significance.

Archeological Site(s) – Since the Belgian Block Paving (51SE062) found during 11th Street Bridge construction could extend into the VAT project site, a presumptive adverse effect may be appropriate for this eligible site. For the M Street Midden, there doesn't appear to be enough information available to Consulting Parties to know whether it's eligible.

Navy Yard, Its East Extension, and Contributing Structures – CHRS is not in a position to evaluate the appropriateness of the preliminary no effect assessment for these properties and defers to the Navy's views.

St. Paul AUMP Church – CHRS does not agree with the preliminary no adverse effect assessment regarding the church. This historic structure is perilously close to the project site, and it stands to be adversely affected by vibrations and earthmoving activities as much as any historic structure within the historic district. Just because a building is eligible for its association with historic events does not mean that threats to its physical integrity can be ignored or dismissed. We believe it would be a mistake to assume this structure could not be damaged by vibrations or subsidence and therefore ask that an adverse effect finding be seriously considered.

Marine Barracks and Commandant's House NHL – CHRS is not in the best position to evaluate the appropriateness of the preliminary no effect assessment for these

properties. However, though effects on the Commandant's House appear unlikely, we question whether it's really feasible to confidently rule out every possible adverse effect on the southernmost of these structures at least. At the last meeting with Consulting Parties, DDOT stated that it would go for the "higher" call in the event of doubts or temporary adverse effects. We suggest that DDOT and FHWA consult very closely with the Marine Corps, Navy, and SHPO in exploring and anticipating all possible adverse effects to the Marine Barracks.

CHRS looks forward to additional meetings with Consulting Parties and further information about the results of the various tests and analyses that are being conducted, including those involving noise, traffic, vibrations, and long-range and cumulative effects. The ongoing exchange of information and views among the involved agencies, project proponents, and concerned organizations and individuals has been very productive.

Sincerely,

Shauna Holmes

Shauna Holmes Chair, Historic Preservation Committee

Cc: David Maloney, DC SHPO
Andrew Lewis, DC SHPO
Michael Hicks, FHWA-DC
Carol Legard, ACHP
Louise Brodnitz, ACHP
Faisal Hameed, DDOT
Chip Dobson, CSX
Steve Flippin, CSX
Thomas Luebke, CFA
Steve Plano, Parsons Brinckerhoff
Kirsten Oldenberg, ANC 6B
David W. Levy, NCPC
Steve Whitesell, NPS



Administration

District of Columbia Division (202) 219-3536 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

December 20, 2011

Dear Virginia Avenue Tunnel Project Consulting Party:

The Federal Highway Administration (FHWA), in conjunction with the District Department of Transportation (DDOT) is developing an Environmental Assessment (EA) for the proposed CSX Transportation, Inc. (CSXI) Virginia Avenue Tunnel Project (VAT). Based on information received to date, the proposed CSXI reconstruction of the VAT may require the temporary closure of an I-295 access point (ramp) on 8th Street SE and the temporary usage of I-295 air/subsurface rights. The VAT project will require FHWA approval due to potential impacts to I-295; therefore, the requirements of the National Environmental Policy Act (NEPA) are applicable and an EA has been determined to be the appropriate class of environmental action for the VAT project.

The CSXI tunnel is located directly beneath Virginia Avenue SE from 2nd Street SE to 11th Street SE. The project area contains several known historic properties, including the Capitol Hill Historic District and the L'Enfant Plan of the City of Washington, both of which are listed on the National Register of Historic Places. In addition, the Virginia Avenue Tunnel and Saint Paul's African Union Methodist Protestant Church located adjacent to Virginia Avenue SE are likely eligible for the National Register; therefore, in compliance with 36 CFR Part 800, FHWA, the lead Federal agency, formally initiated the Section 106 process for the VAT on November 4, 2011. A map of the project site is enclosed with this letter.

In consultation with staff of the District of Columbia State Historic Preservation Office, you have been identified as a party with an interest in the VAT project and its potential impacts to National Register listed or eligible properties. Subsequently, FHWA is formally inviting you to serve as a Section 106 Consulting Party for the VAT project pursuant to 36 CFR 800.2. In your role as a Consulting Party, you will be asked to participate in the process that will ensure that the VAT project avoids, minimizes, or mitigates the potential adverse effects to historic properties to the extent possible. Please notify FHWA by letter if you wish to participate as a Consulting Party. In your response, please provide contact information of your agency/organization representative, where appropriate. We are requesting that you reply within 30 days of your receipt of this letter.

The address for the District of Columbia Division, FHWA is provided below:

Federal Highway Administration 1990 K Street, N.W. Suite 510 Washington, DC 20006-1103

If you are aware of any other individual, agency or organization that should participate as a Consulting Party for the VAT project, please provide us with contact information as soon as possible. We will then consider including your nomination among the Consulting Parties if not already invited.

If you have questions or require additional information, please contact Michael Hicks of my staff at: (202) 219-3513, or by email at Michael.Hicks@fhwa.dot.gov; or Faisal Hameed, DDOT, at (202) 671-2326 or by email at Faisal.Hameed@dc.gov. Thank you for your cooperation and interest in this Project.

Sincerely,

Joseph C. Lawson Division Administrator

Enclosure

cc: Faisal Hameed, DDOT
David Maloney, DC SHPO
Vanessa Powell, ELS, FHWA
Lavinia Thomas, ELS, FHWA
Andrew Lewis, DC SHPO
Keith Brinker, CSX



District of Columbia Division (202) 219-3570 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

September 10, 2013

In Reply Refer To: HDA-DC

Mr. David Maloney DC State Historic Preservation Officer Historic Preservation Office District Office of Planning 1100 4th Street, SW, Suite E650 Washington, DC

SEP 1 6 2013 BY: 09-100

Dear Mr. Maloney:

The Federal Highway Administration (FHWA) formally initiated the Section 106 process with your office for the Virginia Avenue Tunnel (VAT) Reconstruction project in November 2011. FHWA has determined that the VAT project would result in an "adverse effect" to certain historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA). A Draft Environmental Impact Statement (DEIS) has been prepared in accordance with the National Environmental Policy Act by FHWA in conjunction with the District Department of Transportation (DDOT). The DEIS was distributed to the public and agency stakeholders on July 12, 2013.

The VAT is owned by CSX Transportation, Inc. and is located beneath eastbound Virginia Avenue SE, with portals located west of 2nd Street SE and east of 11th Street SE. The proposed project would include reconstruction of the tunnel, which includes converting the tunnel's existing single-track configuration to a two-track configuration. The reconstructed tunnel would also provide vertical clearance to allow the operation of double-stack intermodal container freight trains.

The Area of Potential Effects (APE) was identified in consultation with your office and with input from the consulting parties; subsequently, your office concurred with the APE. Appendix I of the DEIS includes a draft Assessment of Effects for Historic Properties report in accordance with the requirements of NHPA Section 106 and its implementing regulations contained in 36 CFR Part 800. An updated final VAT Reconstruction Project, Section 106 Assessment of Effects for Historic Properties, August 2013 report was prepared pursuant to 36 CFR § 800.4 and 800.5, and is enclosed for your review.

With regard to the effects of the VAT project on historic properties, the build alternatives do not differ substantially. As stated in the DEIS and the enclosed referenced Section 106 report; all three build alternatives would require reconstruction of the existing tunnel, which is eligible for listing on the National Register of Historic Places (NRHP). The VAT reconstruction project will have an "adverse effect" on Virginia Avenue, SE and the Virginia Avenue Park; contributing elements respectively to the L'Enfant Plan for the City of Washington and the Capitol Hill Historic District which are listed on the NRHP. Construction, regardless of the build alternative, would also temporarily visually affect

the setting of the NRHP listed St. Paul AUMP Church and would require removal of the historic Belgian block paving on Virginia Avenue located within the 11th Street Bridges right-of-way.

As a part of the public involvement process, the VAT project team has held four public and consulting parties meetings. The meeting dates were: February 14, 2012; May 21, 2012; September 26, 2012; and July 31, 2013. If you concur with FHWA's "adverse effect" determination, please sign below and return your concurrence to this office; however, if you need additional information or have questions, please contact Michael Hicks of my staff at (202) 219-3513 michael.hicks@dot.gov.

Sincerely,

Joseph C. Lawson Division Administrator

Enclosure

I concur in the determination of "ADVERSE EFFECT" of the proposed CSX Transportation, Inc. undertaking identified above.

David J. Maloney

State Historic Preservation Officer

District of Columbia State Historic Preservation Office

cc. Sharon Vaughn-Fair, FHWA

Lavinia Thomas, FHWA

Carol Braegelmann, FHWA

Carol Legard, ACHP

Andrew Lewis, DC Historic Preservation Office

Michelle Fishburne, FRA

David Valenstein, FRA

Captain Kenneth W. Branch, NAVFAC Washington

Kevin Montgomery, NAVFAC Washington

Cheryl Kelly, NCPC

Jeff Hinkle, NCPC

David Hayes, NPS

Faisal Hameed, DDOT

Keith Brinker, CSX



District of Columbia Division (202) 219-3570 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

September 10, 2013

In Reply Refer To: HDA-DC

Dear Virginia Avenue Tunnel Project Consulting Party:

The Federal Highway Administration (FHWA) invited you to become a consulting party to the CSX Transportation, Inc. (CSX) Virginia Avenue Tunnel (VAT) reconstruction project on December 20, 2011. FHWA has determined that the VAT project would result in an "adverse effect" to certain historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA). A Draft Environmental Impact Statement (DEIS) has been prepared in accordance with the National Environmental Policy Act by FHWA in conjunction with the District Department of Transportation (DDOT). The DEIS was distributed to the public and agency stakeholders on July 12, 2013

The Area of Potential Effects (APE) was identified in consultation with the District of Columbia Historic Preservation Office and consulting parties. Appendix I of the DEIS includes a draft Assessment of Effects for Historic Properties report in accordance with the requirements of NHPA Section 106 and its implementing regulations contained in 36 CFR Part 800. The updated final VAT Reconstruction Project, Section 106 Assessment of Effects for Historic Properties, August 2013 report was prepared pursuant to 36 CFR § 800.4 and 800.5. In accordance with 36 CFR § 800.6, you will find an enclosed CD-ROM containing the referenced report for your information so that you may express your views as a participant in the resolution of "adverse effects" regarding the CSX undertaking. If you require a hard copy of the report, please contact Michael Hicks of my staff at (202) 219-3513 or (Michael.Hicks@dot.gov) or Faisal Hameed of the District Department of Transportation at (202) 671-2326 (faisal.hameed@dc.gov).

With regard to the effects of the VAT project on historic properties, the build alternatives do not differ substantially. As stated in the DEIS and the enclosed referenced Section 106 report; all three build alternatives would require the reconstruction of the existing VAT, which is eligible for listing on the National Register of Historic Places (NRHP). The VAT reconstruction project will have an "adverse effect" on Virginia Avenue, SE and the Virginia Avenue Park; contributing elements respectively to the L'Enfant Plan for the City of Washington and the Capitol Hill Historic District which are listed on the NRHP. Construction, regardless of the build alternative, would temporarily visually affect the setting of the NRHP listed St. Paul AUMP Church and would require removal of the historic Belgian block paving on Virginia Avenue located within the 11th Street Bridges right-of-way.

The formal resolution of "adverse effects" will be documented in a Memorandum of Agreement executed and implemented pursuant to the requirements of 36 CFR § 800.6, by the signatories to the agreement. If you have questions or need further information contact Michael Hicks of my staff as referenced above.

Sincerely,

Joseph C. Lawson Division Administrator

Enclosure

cc. Sharon Vaughn-Fair, FHWA
Lavinia Thomas, FHWA
Carol Braegelmann, FHWA
Charlene Dwin Vaughn, ACHP
Carol Legard, ACHP
Faisal Hameed, DDOT
David Maloney, DC Historic Preservation Office
Andrew Lewis, DC Historic Preservation Office
Keith Brinker, CSX



District of Columbia Division (202) 219-3570 FAX 219-3545

1990 K Street, NW Suite 510 Washington, DC 20006-1103

September 10, 2013

In Reply Refer To: HDA-DC

Mr. John Fowler Executive Director Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Suite 803 Old Post Office Building Washington, DC 20004

Dear Mr. Fowler:

The Federal Highway Administration (FHWA) formally initiated the Section 106 process for the Virginia Avenue Tunnel (VAT) reconstruction project in November 2011. FHWA has subsequently determined that the VAT project would result in an "adverse effect" to certain historic properties in accordance with Section 106 of the National Historic Preservation Act. A Draft Environmental Impact Statement (DEIS) has been prepared in accordance with the National Environmental Policy Act by FHWA in conjunction with the District Department of Transportation (DDOT). The DEIS was distributed to the public and agency stakeholders on July 12, 2013.

The VAT is owned by CSX Transportation, Inc. and is located beneath eastbound Virginia Avenue SE, with portals located a short distance west of 2nd Street SE and a short distance east of 11th Street SE. The proposed project would include reconstruction of the tunnel, which includes converting the tunnel's existing single-track configuration to a two-track configuration. The reconstructed tunnel would also provide vertical clearance to allow the operation of double-stack intermodal container freight trains.

In accordance with 36 CFR Part 800, Subpart B, Section 800.6, FHWA is notifying the Advisory Council of Historic Preservation (ACHP) of a determination of "adverse effect" regarding the CSX, Inc. undertaking. The ACHP is invited to participate in a resolution of "adverse effects" to historic properties located in the "area of potential effects" (APE). The APE was identified in consultation with the District of Columbia Historic Preservation Office and with input from the consulting parties. A final report, the VAT Reconstruction Project, Section 106 Assessment of Effects for Historic Properties, August 2013, has been developed regarding those properties and prepared pursuant to 36 CFR § 800.4 and 800.5. The referenced report is enclosed for your review.

The VAT project team has held four public and consulting parties meetings in accordance with the required public involvement process. The meeting dates were: February 14, 2012; May 21, 2012; September 26, 2012; and July 31, 2013. Please advise FHWA of your decision to participate in a resolution of "adverse effects" regarding the referenced undertaking. If you need additional

information or have questions, please contact Michael Hicks of my staff at (202) 219-3513 or michael.hicks@dot.gov.

Sincerely,

Joseph C. Lawson Division Administrator

Enclosure

cc. Sharon Vaughn-Fair, FHWA
Lavinia Thomas, FHWA
Carol Braegelmann, FHWA
Carol Legard, ACHP
Faisal Hameed, DDOT
David Maloney, DC Historic Preservation Office
Andrew Lewis, DC Historic Preservation Office
Keith Brinker, CSX



Preserving America's Heritage

October 28, 2013

Joseph C. Lawson Division Administrator FHWA – District of Columbia Division 1990 K Street, NW, Suite 510 Washington, DC 20006

Ref: Proposed Reconstruction of the Virginia Avenue Tunnel in Southeast Washington,

District of Columbia

Dear Mr. Lawson:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the District of Columbia State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Carol Legard at 202-606-8522 or at clegard@achp.gov.

Sincerely, La Shavio Johnson

LaShavio Johnson

Historic Preservation Technician Office of Federal Agency Programs

MEMORANDUM OF AGREEMENT AMONG

THE FEDERAL HIGHWAY ADMINISTRATION THE UNITED STATES MARINE CORPS THE NATIONAL PARK SERVICE

THE DISTRICT DEPARTMENT OF TRANSPORTATION THE DISTRICT DEPARTMENT OF PARKS AND RECREATION THE DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICE AND

CSX TRANSPORTATION, INC., REGARDING

THE RECONSTRUCTION OF THE VIRGINIA AVENUE TUNNEL

WHEREAS, CSX Transportation Inc. (CSX), the project sponsor, proposes to reconstruct an existing tunnel beneath Virginia Avenue, SE in the District of Columbia (Undertaking) so that CSX may preserve, over the long-term, the continued ability to provide efficient freight transportation services in the District of Columbia, the Washington Metropolitan Area and the eastern seaboard; and

WHEREAS, the Undertaking is subject to Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470f) and its implementing regulations, 36 CFR Part 800, hereinafter collectively referred to as Section 106. The Undertaking cannot be implemented without the issuance of certain approvals and/or permits by the Federal Highway Administration (FHWA), the United States Marine Corps (USMC), and, possibly, the National Park Service (NPS); and

WHEREAS, the FHWA approval will be issued in response to a request by CSX, and will allow the temporary closure of the Interstate 695 ramp at 6th Street, SE and the temporary use of the air rights above so that the Undertaking can be implemented; and

WHEREAS, the USMC approval or permit will be issued in response to a request by CSX and will allow CSX use of the USMC property located on Virginia Avenue, SE between 6th and 7th Streets, SE (Annex site) as an essential aspect of accomplishing the Undertaking; and

WHEREAS, as currently planned, the Undertaking's Limits of Disturbance (LOD) will include a portion of Reservation 122, but not the portion of this reservation under the NPS's jurisdiction; and

WHEREAS, the Undertaking will not result in any building or above ground structure of any kind within or intrude into the two view corridor easements that are under NPS jurisdictions: 1) K Street SE and Virginia Avenue SE between 6th and 7th Streets SE; and 2) 6th Street SE between Virginia Avenue SE and L Street SE (this does not include restoring existing above ground structures, such as the light poles within the USMC property and the public right-of-way); and

WHEREAS, the Undertaking's LOD will include a portion of Reservation 126 (Virginia Avenue Park), which is under the jurisdiction of District Department of Parks and Recreation (DPR): and

WHEREAS, if, during the execution of the Undertaking, CSX determines that it must conduct any ground-disturbing activities that may impact archeological resources on the portion of Reservation 122 under the NPS's jurisdiction, then, before conducting those ground-disturbing activities, CSX will apply for a permit from NPS under the Archaeological Resources Protection Act of 1979 (ARPA), 16 U.S.C. §§ 470aa-470mm; and

WHEREAS, reconstruction of the Virginia Avenue Tunnel requires approvals and/or permits from the District Department of Transportation (DDOT) and the DPR; and

WHEREAS, the DDOT approval or permit issued to CSX will allow the temporary closure of certain portions of Virginia Avenue SE and other surface streets in the affected areas of the Undertaking during construction to use and occupy certain public right-of-way; and

WHEREAS, the DPR approval or permit will be issued to CSX to allow the temporary use of Virginia Avenue Park for construction as an essential aspect of accomplishing the Undertaking; and

WHEREAS, FHWA, DDOT, and CSX have consulted with the District of Columbia State Historic Preservation Office (DCSHPO) and the Advisory Council on Historic Preservation ("Council") pursuant to Section 106; and

WHEREAS, the USMC, the NPS, the National Capital Planning Commission, U.S. Commission of Fine Arts, Naval District Washington, Federal Railroad Administration, the DPR, DC Department of Housing and Community Development, Advisory Neighborhood Commissions 6B and 6D, Barracks Row Main Street, Capitol Hill Restoration Society, The Capitol Riverfront Business Improvement District, Capitol Quarter Home Owners' Association, The Committee of 100 on the Federal City, DC Preservation League, Friends of Garfield Park, National Railway Historical Society, Washington, D.C. Chapter, Inc., The Pennsylvania Railroad Technical & Historical Society, the pastor of St. Paul African Union Methodist Protestant (AUMP) Church, Virginia Avenue Community Garden, Washington Area Metropolitan Transit Authority, and certain individuals with a demonstrated interest in the undertaking also participated in the consultation and are collectively referred to as the "Consulting Parties"; and

WHEREAS, FHWA, in consultation with DCSHPO and the Consulting Parties, has determined the area of potential effects ("APE") for the Undertaking (Attachment A); and

WHEREAS, FHWA, in consultation with DCSHPO and the Consulting Parties, have determined that eighteen (18) historic properties exist within the APE, including seventeen (17) built historic properties and one (1) archeological resource (Attachment B); and

WHEREAS, FHWA, DDOT, CSX, DCSHPO and the Consulting Parties have consulted pursuant to 36 CFR §800.6 to seek ways to avoid, minimize or mitigate adverse effects; and

WHEREAS, FHWA, in consultation with DCSHPO and the Consulting Parties, have determined that the Undertaking will have adverse effects on five (5) historic properties including the Virginia Avenue Tunnel; the Capitol Hill Historic District; St. Paul AUMP Church; The Plan of the City of Washington (L'Enfant Plan); and Virginia Avenue Paving; and

WHEREAS, FHWA notified the Council of the adverse effect determination pursuant to 36 CFR 800.6(a)(1) and in a letter dated October 28, 2013, the Council elected not to participate in the consultation process; and

WHEREAS, FHWA, DDOT, USMC, NPS, and DCSHPO are entering into this Memorandum of Agreement (MOA) pursuant to 36 CFR 800.6 (b)(1)(iv); and

WHEREAS, CSX has been invited to sign this MOA as an invited Signatory pursuant to 36 CFR 800.6(c)(2); and

WHEREAS, FHWA, USMC, NPS, DDOT, DPR, DCSHPO and CSX are hereafter referred to as "the Signatories" or each as "Signatory" to this MOA; and

WHEREAS, the Signatories acknowledge that modifications or implementation of the Undertaking may have unanticipated adverse effects on historic properties and, therefore, this MOA sets forth the measures that will be implemented to identify and consider these potential effects on historic properties should they occur; and

WHEREAS, during the implementation of this MOA, the Signatories may identify other interested parties and invite them to participate as consulting parties in the consultation process specified in this MOA; and

WHEREAS, FHWA and DDOT sought and considered the views of the public on the Undertaking through the public involvement process described in the Undertaking's Final Environmental Impact Statement which included a website (www.virginiaavenuetunnel.com), mass mailings, public meetings, and opportunities to provide public comment, including four (4) Consulting Parties meetings which resulted in this MOA being developed with appropriate public participation during the Section 106 process; and

WHEREAS, FHWA, DDOT and CSX will notify the Consulting Parties and the public of the execution and effective dates of this MOA; and

WHEREAS, CSX will issue a final report to the Signatories upon meeting or completing all the stipulations in accordance with this MOA.

NOW, THEREFORE, the Signatories agree that upon taking their actions to issue the approvals needed by CSX to proceed with the Undertaking, the following stipulations will be implemented in order to address the effects of the Undertaking on historic properties, and that these stipulations shall govern the Undertaking and all of its parts until this MOA is fulfilled, expires or is terminated.

STIPULATIONS

CSX and the FHWA shall ensure that the following stipulations are carried out:

I. HISTORIC BUILT ENVIRONMENT STIPULATIONS

A. Identification of Additional Historic Built Environment Properties and Assessment of Project Effects

If any previously unidentified historic built environment properties are discovered within the APE during final design or construction of the Undertaking, or if CSX proposes to modify the Undertaking in a manner that has the potential to result in previously unevaluated effects on the historic built environment, CSX will notify the Signatories as expeditiously as possible and consult with the Signatories to evaluate the National Register eligibility of the newly discovered properties and/or the previously unevaluated effects, as applicable, pursuant to the process outlined in Stipulation IV of this MOA and in accordance with relevant sections of 36 CFR Part 800.

B. Construction Protection Plan

- 1. Prior to the commencement of any construction activities associated with the Undertaking, CSX shall develop a Construction Protection Plan (CPP) based upon standard measures and best practice techniques for similar projects. The CPP will be developed in consultation with the Signatories and will be used to assist CSX and its contractors to avoid and minimize adverse effects on known historic properties. CSX shall prepare and revise the draft CPP until it is approved by the Signatories pursuant to the process outlined in Stipulation IV of this MOA.
- 2. The CPP shall include a provision that demarcates the portion of Reservation 122 under NPS jurisdiction as a protective "no touch" zone to prevent impacts to this property from the Undertaking.
- 3. At a minimum, the CPP shall include the St. Paul AUMP Church at 401 I Street, SE, the other older structures located near Virginia Avenue SE between 2nd and 11th Streets SE, such as the building at 809 Virginia Avenue SE; shall require monitoring the condition of the potentially affected properties; and shall include information regarding the baseline conditions of the properties prior to the commencement of construction activities; the type of monitoring equipment that will be used; the frequency with which the equipment will be monitored; and a description of how CSX shall evaluate and repair any damage that may result from construction of the Undertaking.
- 4. CSX agrees that no construction activities may begin on the project until the CPP has been finalized and approved by the Signatories.

C. Historic American Engineering Record (HAER) Recordation of the Virginia Avenue Tunnel

- 1. Prior to any alteration or demolition of the Virginia Avenue Tunnel, CSX will arrange for documentation and photographic recordation of the historic structure in accordance with the guidelines set forth in "HABS/HAER Photographs: Specifications and Guidelines" (U.S. Department of the Interior, 2001); "HABS/HAER Standards" (U.S. Department of the Interior, 1990); and "HABS Historical Reports" (U.S. Department of the Interior, 2000). A Level II HAER standard will be used.
- 2. Prior to completion of the recordation package, CSX shall consult with the National Park Service HAER Office to determine if the HAER Office will agree to serve as the repository for the documentation. If the HAER Office agrees, CSX shall revise the recordation package in accordance with any HAER Office recommendations, if any, and submit the final package for accessioning into the HAER collections. If the HAER Office declines to accept the documentation, CSX shall notify the DCSHPO as expeditiously as possible and submit the recordation package to the other repositories identified by the DCSHPO.
- 3. Alteration and demolition of the Virginia Avenue Tunnel may commence only after the recordation package has been approved and submitted to the HAER Office, or to the other repositories identified by the DCSHPO, and CSX has notified the Signatories that it has fulfilled this recordation requirement in writing.

D. Establishment of a Preservation Fund

- 1. Within one (1) year of the date of the last signature on this MOA, CSX shall establish a preservation fund in the amount of \$200,000.00 for the purpose of carrying out historic preservation-related projects directly related to properties within the Undertaking's APE which are listed in or may be determined eligible for listing in the National Register of Historic Places and/or the DC Inventory of Historic Sites by the DCSHPO.
- 2. The preservation fund will be administered by a third party entity selected by the DCSHPO and CSX shall establish the preservation fund by providing a check for the amount specified above to the entity selected by the DCSHPO.
- 3. The DCSHPO will identify the appropriate method(s) to notify the public about the fund, and will also develop an appropriate protocol/process by which the third-party entity may award these funds.
- 4. Eligible projects may include "bricks and mortar" work, survey, evaluation, historical research, archaeological investigations, public outreach, interpretation, or other closely related topic.

5. All work accomplished by the fund shall meet *The Secretary of the Interior's Standards for the Treatment of Historic Properties* and each project so funded shall have a public benefit.

E. Restoration of Virginia Avenue SE

- 1. Prior to commencement of the Undertaking, CSX shall photographically record the existing conditions of Virginia Avenue SE between 2nd and 9th Streets, provide electronic copies of the recordation to the Signatories and retain a copy for its records. Since the photographs will be used for general reference only, they can be accomplished using any commercially available digital camera and do not have to meet any particular standards.
- 2. At the completion of the Undertaking, CSX shall carry out the restoration of those portions of Virginia Avenue SE that were closed during and affected by construction of the Undertaking. The timeframe for completing the restoration may be affected by seasonal conditions that affect the provision of landscaping but shall, otherwise, be completed within two (2) years of completion of the Undertaking.
- 3. The restoration shall be carried out under the supervision of DDOT and in the manner described in the Final Environmental Impact Statement prepared for the Undertaking.
- 4. The DCSHPO and NPS will be afforded an opportunity to review and comment on the draft plans for the restoration of Virginia Avenue SE, pursuant to the process outlined in Stipulation IV of this MOA.

F. Restoration of Virginia Avenue Park

- 1. Prior to any alteration of Virginia Avenue Park, CSX shall photographically record the existing conditions of the park, provide electronic copies of the recordation to the Signatories and retain a copy for its records. Since the photographs will be used for general reference only, these photos may be taken by using any commercially available digital camera and do not have to meet any particular standards.
- 2. At the completion of the Undertaking, CSX will restore the portions of Virginia Avenue Park that were affected by construction of the Undertaking to a condition as good as or better than the conditions documented in the pre-construction photographs, and include a dog park in accordance with DPR standards. The timeframe for completing the restoration may be affected by seasonal conditions that affect plantings and landscaping.
- 3. Upon completion of the restoration, CSX shall photographically record the restored conditions of the park and provide copies of the recordation to the Signatories in order to document fulfillment of this stipulation.

G. Interpretive Signage for the Virginia Avenue Tunnel

- 1. Within one (1) year of the date of the last signature on this MOA, CSX shall consult with the DCSHPO to develop plans for an interpretive sign that will describe the history of the Virginia Avenue Tunnel and related historical topics. The Signatories shall be provided an opportunity to review draft plans pursuant to the process outlined in Stipulation IV of this MOA.
- 2. The interpretive sign shall be installed at a publically accessible site on District property near the historic tunnel's original location within one (1) year of completion of the Undertaking.
- 3. The design, general dimensions, images narrative content and location of the interpretive sign shall be reviewed and approved by the DCSHPO pursuant to the process outlined in Stipulation IV of this MOA.
- 4. Once approved, CSX and DCSHPO shall consult further to identify an appropriate date for installation of the sign, taking into account any physical constraints that may be imposed by construction of the Undertaking.
- 5. CSX and DCSHPO shall also consult with the DPR regarding the proposed installation of any interpretive signs or paving stones within park areas under DPR jurisdiction.

H. Interpretive Signage for the L'Enfant Plan and Reuse of Virginia Avenue Paving

- 1. Within one (1) year of the date of the last signature on this MOA, CSX shall consult with the DCSHPO to develop plans for an interpretive sign that will describe the history of the L'Enfant Plan and Virginia Avenue, SE, in particular. Information about St. Paul AUMP Church and its longstanding place in the community may also be provided.
- 2. The interpretive sign shall be installed at a publically accessible site within Virginia Avenue Park or on District property near the park within one (1) year of completion of the Undertaking.
- 3. As an additional component of the interpretation, CSX shall also consult with the DCSHPO to identify the appropriate manner in which some of the salvaged Virginia Avenue Paving Stones referenced in Stipulation II.A of this MOA should be removed from their existing site and relocated as an additional educational element near the interpretive sign. A high priority will be given to reusing the paving stones somewhere within the original right of way of Virginia Avenue, SE.

- 4. The design, general dimensions, images narrative content and location of the interpretive sign/ salvaged paving stones shall be reviewed and approved by the DCSHPO pursuant to the process outlined in Stipulation IV of this MOA.
- 5. Once approved, CSX and DCSHPO shall consult further to identify an appropriate date for installation of the sign, taking into account any constraints that may be imposed by construction of the Undertaking.
- 6. CSX and DCSHPO agree to consult with the DPR regarding the proposed installation of any interpretive signs or paving stones within park areas under DPR jurisdiction.

I. Donation and Relocation of the Virginia Avenue Tunnel Portals Stones

- 1. After recordation of the Virginia Avenue Tunnel and its portals has been completed pursuant to Stipulation I.C. of this MOA, CSX may carefully remove the original stones which form the eastern and western portals of the Virginia Avenue Tunnel (near 2nd Street and Virginia Avenue, SE and 11th Street and Virginia Avenue, SE, respectively) and store them in a safe location while it makes any or all of the stones available to the Friends of Garfield Park, the National Park Service National Capital Parks East, DPR and the National Railway Historic Society, Washington, DC Chapter, hereinafter collectively referred to as the Eligible Entities.
- 2. CSX will provide at least thirty (30) days advanced notice in writing to the Eligible Entities and to the DCSHPO before removing the stones, and shall provide an additional thirty (30) days for the Eligible Entities to respond after the stones have been removed.
- 3. The Eligible Entities must agree to consult with and obtain the approval of the DCSHPO on their planned use of the stones as a condition of receiving the stones.
- 4. After the DCSHPO approves of the planned use of the stones, CSX shall transport any or all of the portal stones to any location within the District of Columbia selected by any or all of the Eligible Entities provided that the plans are be approved within ninety (90) days of the date of the initial CSX notification letter referenced in Stipulation I.I.2, above.
- 5. If none of the Eligible Entities elect to take the stones, CSX shall notify the DCSHPO as expeditiously as possible and consult further with the Signatories to identify the appropriate disposition of the stones.

J. Designation of Control Point Virginia Tower

1. Within one (1) year of the date of the last signature on this MOA, CSX shall complete a National Register of Historic Places nomination package

and a DC Inventory of Historic Sites nomination package (the latter consists of the National Register Nomination and a DC Inventory cover sheet) for the historic railroad switching tower located near 2nd Street and Virginia Avenue, SW and referred to by CSX as "Control Point Virginia" (CP Virginia). Photographs of CP Virginia and map which indicates its location are available in Attachment C.

- 2. The nomination packages shall be prepared by an individual or individuals who meet the applicable *Secretary of the Interior's Qualifications Standards* and shall be developed in consultation with the DCSHPO and revised to the DCSHPO's satisfaction.
- 3. Once approved by the DCSHPO, the nomination packages shall be submitted by CSX to the DCSHPO within ninety (90) days for formal nomination to the DC Inventory of Historic Sites and the National Register of Historic Places.

K. Rehabilitation of Control Point Virginia Tower

- 1. As soon as practicable, but no later than one (1) year of the date of the last signature on this MOA, CSX shall develop rehabilitation plans for CP Virginia.
- 2. CSX shall develop the rehabilitation plans in consultation with the DCSHPO to ensure that they meet *The Secretary of the Interior's Standards for Rehabilitation of Historic Properties*.
- 3. At a minimum, the rehabilitation work shall include installing a new roof using a material that can be determined by historical photographs or records (most likely slate), cleaning and repointing the masonry elements, restoring or replacing the windows with appropriate replacements, scraping/repairing/repainting the metal bay and trim, and any other work that is necessary to ensure long-term preservation of the historic resource.
- 4. CSX shall submit the draft plans to the DCSHPO in accordance with Stipulation IV of this MOA and revise them in accordance with any DCSHPO comments until approved.
- 5. CSX shall complete the rehabilitation of CP Virginia within two (2) years of approval of the plans by DCSHPO.

II. ARCHAEOLOGICAL STIPULATIONS

A. Virginia Avenue Site (52SE062)

1. The APE for the Undertaking contains a previously identified archeological site that will require mitigation treatment associated with the Undertaking. The Virginia Avenue Site (51SE062) represented intact

portion of the cut stone block paving along the original alignment of Virginia Avenue, and is considered eligible under criteria A and B due to its association with the National Register listed L'Enfant Plan. As this archeological site falls within the LOD of the Undertaking, it has been determined that this archeological resources will be adversely affected and that the mitigation measures outlined in this stipulation will be carried out in in consultation with the DCSHPO.

- 2. CSX shall arrange for development of a Determination of Eligibility for the Virginia Avenue Paving (51SE062) by a qualified archaeologist.
- 3. Removal of the paving stones by CSX shall be undertaken following preparation of a work plan submitted to the DCSHPO for review and approval pursuant to the process outlined in Stipulation IV of this MOA. A qualified archaeologist must be present during the removal operation. Only limited testing occurred beneath the paving stones when the site was initially indentifed so it is possible that archaeological deposits may be present beneath the stones. If any archaeological resources are identified during removal of the paving stones, they will be treated as an unanticipated discovery pursuant to Stipulations II.B or II.C of this MOA. Reuse of the paving stones for interpretation pursuant to Stipulation I.H of this MOA should ensure a secure location for the stockpiling the salvaged stones. DDOT may request some of the stones for repair of similar paved streets, but will be responsible for relocating the stones.
- 4. Prior to any construction activities occurring on the project, CSX shall arrange that sections of cross streets proximate to Virginia Avenue SE between 2nd and 11th Street SE be subjected to testing to assess the potential and verify the presence of any additional intact historic cut-stone block paving. This work will be conducted in consultation with the DCSHPO and a work plan will be submitted for review and approval to the DCSHPO before testing will begin. There are numerous utilities present under both Virginia Avenue and the numbered streets in the immediate area, which requires CSX to coordinate with "Miss Utility" and DC Water, as necessary.
- 5. The results of these investigations will be incorporated into a draft archeological technical report to be submitted to the DCSHPO for review and comment, as provided in Stipulation IV of this MOA, and a revised final report will be prepared incorporating DCSHPO comments.
- 6. As described in Stipulation I.H. of this MOA, CSX shall salvage and reuse some of the Virginia Avenue Paving as part of an interpretive sign and display relating to the L'Enfant Plan and Virginia Avenue, SE.

- 7. All archeological work and submittals shall follow Guidelines for Archaeological Investigations in the District of Columbia (1998, as amended).
- 8. Archaeological collections, digital data, field notes and records, images, and related records generated by the Undertaking will be prepared for permanent curation following procedures outlined in the *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended) and submitted to the DC SHPO for curation.

B. Unanticipated Archaeological Discoveries

- 1. In the event that a previously unidentified archaeological resource is discovered during ground disturbing activities, all construction work within a 25-foot radius of the resource shall be halted.
- 2. CSX shall notify FHWA, DDOT and DCSHPO in writing, by email or by telephone within 24 hours upon discovery of potentially significant archaeological remains. CSX shall arrange for a qualified archaeologist to investigate the site. The archaeologist shall conduct an assessment of the resource in consultation with the DCSHPO, which will include NRHP eligibility, and if necessary, a recommended buffer zone surrounding the resource and a treatment (data recovery) plan.
- 3. Upon receipt of the archaeologist's assessment, the FHWA and DDOT, in consultation with the DCSHPO, shall determine within two (2) working days the NRHP eligibility of the resource, and if appropriate (resource found to be eligible for listing on the NRHP), they shall determine the boundaries of the resource buffer zone and agree to a treatment plan. Appropriate treatment may include data recovery and/or archaeological monitoring, but other treatments are possible and will be determined during consultation. Upon this determination, construction may continue outside of this resource buffer zone.
- 4. If the resource is determined by FHWA and DDOT, in consultation with the DCSHPO, not eligible for inclusion on the National Register, then construction within the resource area can proceed immediately.
- 5. If the resource is determined eligible for the National Register and data recovery and/or archaeological monitoring investigations are part of the agreed-upon treatment, then CSX shall arrange for a qualified archaeologist to submit a work plan to the DCSHPO for review and approval, prior to conducting said investigations. When the investigations are completed, a management summary shall be prepared by the archaeologist that outlines the steps taken to identify, evaluate and mitigate the unanticipated discovery and submitted for review by the DCSHPO.

- 6. Upon receipt of the management summary, the FHWA and DDOT, in consultation with the DCSHPO, shall determine the completeness of the data recovery within five (5) working days. If determined to be completed, construction within the resource area can proceed immediately.
- 7. Draft and final technical reports shall be prepared by the archaeologist detailing the results of data recovery and/or monitoring investigations in accordance with contemporary professional standards, and the standards as set out in *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended). The *Standards for Final Reports of Data Recovery Programs* Department of the Interior (42 FR 5377-79), and the ACHP's publications, *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999), ACHP *Section 106 Archaeology Guidance* (at: http://www.achp.gov/archguide/) shall also be taken into account.
- 8. All materials and records resulting from data recovery shall be curated in accordance with Stipulation III.C of this MOA.

C. Unanticipated Archaeological Discoveries and Treatment of Human Remains on NPS Property

- 1. Prior to ground disturbing activities within lands under the jurisdiction of NPS, CSX, through a contract archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, will apply for an ARPA permit through the NPS National Capital Region Regional Archeologist in case of any inadvertent or unanticipated discovery due to project implementation.
- 2. Should any human remains be encountered, excavations will stop and the NPS Park Superintendent, NPS Park Archeologist, NPS Regional Archeologist, and the DC SHPO shall be notified immediately. The Park Superintendent, in consultation with the Park and Regional Archaeologists and DC SHPO staff, shall determine the appropriate course of action, following the Department of the Interior's guidelines on human remains. Should the Undertaking uncover Native American human remains on NPS property, CSX shall consult with NPS Park Superintendent, NPS Park Archaeologist, NPS Regional Archaeologist, and the DC SHPO regarding compliance with the requirements of the Native American Graves Repatriation Act (NAGPRA: 25 U.S.C. 3001).
- 3. Should any previously unidentified archeological sites or materials be encountered, excavations will stop and the NPS Park Superintendent, NPS Park Archaeologist, NPS Regional Archaeologist, and the DC SHPO shall be notified immediately. The Park and Regional Archaeologists and DC SHPO staff will determine the appropriate course of action with the archaeologist specified in the ARPA permit. More specific procedures and

requirements will be described by the NPS in the "Special Stipulations" section of the approved ARPA permit that will be issued by the Regional Director to the archeological contractor.

D. Treatment of Human Remains on non-NPS Property

- 1. If human remains are discovered during construction on non-NPS property, CSX will notify FHWA, DDOT and DCSHPO of the discovery and CSX will ensure that all ground-disturbing activities in the immediate area of the discovery cease immediately and remain halted until all of the following actions have been carried out. See Stipulation II.C.2 if human remains are uncovered on NPS property.
- 2. CSX shall immediately implement measures to protect the human remains from inclement weather and vandalism, and notify the District of Columbia Office of the Chief Medical Examiner (OCME) of the discovery. Sufficient description of the discovery shall be provided to allow OCME to complete its obligations under Statute § 5-1406 of the District of Columbia code or other applicable law(s).
- 3. If the OCME determines that the human remains are not subject to a criminal investigation by local or federal authorities, DDOT and FHWA shall determine appropriate disposition in consultation with DCSHPO. CSX shall comply with all applicable federal and District of Columbia laws and regulations governing the discovery and disposition of human remains and consider the Council's 2007 Policy Statement Regarding Treatment of burial Sites, Human Remains, and Funerary Objects.
- 4. Removal of human remains shall be undertaken by a qualified archaeologist.
- 5. Should the Undertaking uncover Native American human remains on federal property, FHWA will comply with the requirements of the NAGPRA.

III. PROFESSIONAL STANDARDS AND CURATION

A. Qualifications

CSX shall ensure that all cultural resources work performed pursuant to this MOA is carried out by or under the direct supervision of personnel who meet the applicable *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44716) (hereinafter cited as "Qualifications") for the work that is being carried out.

B. Standards and Guidelines

CSX shall ensure that all cultural resources investigations and preservation work executed as part of this MOA will be completed according to the following accepted professional standards and guidelines:

- 1. Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716; 1983 and successors);
- 2. Advisory Council on Historic Preservation Section 106 Archaeology Guidance (Council, 2007);
- 3. Recommended Approach for Consultation on Recovery of Significant Information for Archeological Sites (Council, 2007) (64 FR 27085-27087);
- 4. Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (Council, 2007); and
- 5. Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68).
- 6. Guidelines for Archaeological Investigations in the District of Columbia (1998, as amended).

C. Curation

With the exception of materials recovered from NPS property, archaeological collections, digital data, field notes and records, images and related records generated by the Undertaking shall be prepared for permanent curation following procedures outlined in the *Guidelines for Archaeological Investigations in the District of Columbia* (1998, as amended) and in accordance with 36 CFR 79 and submitted to the DC SHPO for curation.

For materials recovered on NPS property, all artifacts, specimens, and samples recovered as a result of investigations conducted pursuant to this Undertaking are the property of the NPS and shall be documented, curated, and conserved, as necessary, according to the standards found in 36 CFR 79, *Curation of Federally-Owned and Administered Archaeological Collections*; the *National Park Service Museum Handbook*, *Part 1*; and the requirements of the NPS's Regional Archaeology Program for the storage of objects at the Museum Resource Center. CSX shall provide the artifacts, specimens, and samples to the NPS upon completion of any analysis performed as part of the Undertaking.

IV. DOCUMENT AND DELIVERABLE REVIEW

- A. Throughout the term of this MOA, CSX shall provide the DCSHPO and other Signatories with opportunities to review, comment and approve the reports, plans, designs, and other products stipulated in this MOA. In general, review periods shall encompass a timeframe not to exceed thirty (30) calendar days from the date that each Signatory receives the item for review, unless otherwise specified in this MOA.
- B. The DCSHPO and other Signatories shall provide comments to CSX and the other Signatories regarding any document or product submitted pursuant to this MOA, as promptly as possible, but not to exceed thirty (30) calendar days from the date of receipt.
- C. If the DCSHPO or other Signatories do not submit comments in writing within thirty (30) calendar days of the receipt of any such submissions, CSX and the other Signatories may proceed with the plans, reports, proposals or actions as specified in their submittal.
- D. If the DCSHPO or other Signatory or Signatories object in writing to any document or product submitted for review within thirty (30) calendar days of the receipt of any such submission, then the Signatories shall consult expeditiously in an effort to resolve the objection.
- E. If the objection cannot be resolved among the Signatories, and FHWA determines that further consultation will be unproductive, then the Signatories shall comply with the Dispute Resolution procedures detailed under Stipulation VI of this MOA.
- F. The Signatories acknowledge that the timeframes set forth in this stipulation are the maximum allowable under normal circumstances. In exigent circumstances (such as when construction activities have been suspended or delayed pending resolution of the matter), each Signatory agrees to expedite their respective document review and dispute resolution obligations to the extent possible.
- G. Each time a report, plan, design or other product is provided to the Signatories for review, the document shall also be posted on the website (www.virginiaavenuetunnel.com) established for the Undertaking. On the same day of the posting, the Consulting Parties shall be informed by email about the website posting. The Consulting Parties shall be given thirty (30) calendar days from the date of the website posting to provide comments to CSX, DDOT and the DCSHPO. CSX, in consultation with DDOT and DCSHPO, shall determine if a comment from a Consulting Party shall require a revision to the report, plan, design or other product. This solicitation of comments does not preclude other public outreach activities organized or led by DDOT and DPR regarding the restoration of Virginia Avenue SE and Virginia Avenue Park, respectively.

V. COORDINATION AND REPORTING

A. Reporting

Commencing four (4) months from the date of the last signature on this MOA, CSX shall provide quarterly reports to the Signatories for the duration of this MOA. The report will reference each of the Stipulations of this MOA by number/letter and will provide a detailed description of the status of implementation of each.

B. Ongoing Coordination

Based upon the information provided in the quarterly reports specified in Stipulation V.A. above, the Signatories shall consult formally or informally on a quarterly basis via email, telephone or in writing, to discuss topics related to this MOA and its implementation. If any Signatory requests a formal meeting during the term of this MOA, DDOT and the DCSHPO shall coordinate and arrange to host a meeting.

VI. DISPUTE RESOLUTION

A. Resolution of Objection by the Signatories

- 1. Should any Signatory to this MOA object in writing within thirty (30) days of receipt of any document or product submitted or actions proposed pursuant to this MOA, FHWA, NPS and USMC shall consult with the objecting party and CSX to resolve the objection. If the FHWA, NPS and USMC are unable to resolve the objection, the FHWA, NPS and USMC shall:
 - Forward all documentation relevant to the dispute, including a a. proposed resolution or resolutions, to the Council. Within forty-five (45) days after receipt of adequate documentation, the Council shall either provide the FHWA, NPS and USMC with recommendations which the FHWA, NPS and USMC shall take into account in reaching a final decision regarding the dispute or notify the FHWA, NPS and USMC that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment shall be taken into account by the FHWA, NPS and USMC in accordance with 36 CFR 800.7(c)(4). Prior to reaching a final decision on the dispute, the FHWA, NPS and USMC shall prepare written responses that take into account any timely advice or comments regarding the dispute from the Council, Signatories, and Consulting Parties, and provide those parties with a copy of the written responses. The FHWA, DDOT and CSX shall then proceed according to FHWA's final decision. NPS and USMC shall proceed according to their respective, final decisions.

- b. If the Council does not provide its advice regarding the dispute within the forty-five (45) day time period, the FHWA, NPS and USMC may make final decisions on the dispute. FHWA, DDOT and CSX shall then proceed according to FHWA's final decision. NPS and USMC shall proceed according to their respective, final decisions. Prior to reaching such final decisions, the FHWA, NPS and USMC shall prepare written responses that take into account any timely comments regarding the dispute from the Signatories and Consulting Parties to the MOA, and provide those parties and the Council with a copy of such written responses.
- 2. The responsibility of the FHWA, NPS and USMC to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

B. Resolution of Objections by the Public

At any time during the implementation of the measures stipulated in this MOA, should an objection pertaining to this MOA or the effect of the Undertaking on historic properties be raised by a member of the public, FHWA shall notify the Signatories and take the objection into account, consulting with the objector, and should the objector so request, with any of the Signatories to this MOA to resolve the objection.

VII. SIGNATORY CONTACTS

For purposes of notices and consulting pursuant to this MOA, the following addresses and contact information should be used for the following agencies:

FHWA

Michael Hicks Federal Highway Administration District of Columbia Division 1990 K Street NW, Suite 510 Washington, DC 20006-1103

DCSHPO

Andrew Lewis Government of the District of Columbia State Historic Preservation Office Office of Planning 1100 4th Street SW, Suite E650 Washington, DC 20024

DDOT

Faisal Hameed
District Department of Transportation

55 M Street SE, Suite 400 Washington, DC 20003

CSX

CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202

USMC

U.S. Marine Corps Marine Barracks Washington, DC 8th & I Streets SE Washington, DC 20390

NPS

National Park Service National Capital Region 1100 Ohio Drive SW Washington, DC 20242

Superintendent National Park Service National Capital Parks-East 1900 Anacostia Drive SE Washington, DC 20020

DPR

DC Department of Parks and Recreation 1250 U Street NW Washington, DC 20009

VIII. EMERGENCY SITUATIONS

If during the duration of this MOA an emergency situation arises representing an immediate threat to public health, safety, life or property that has the potential to effect a historic property, the regulations set forth in 36 CFR 800.12 shall be followed. CSX shall notify the DDOT, FHWA, the Council, and the DCSHPO of the condition which has created the situation and the measures to be taken to respond to the emergency or hazardous condition within twenty-four (24) hours of the event. If the emergency situation is on NPS property, the U.S. Park Police and the Park Superintendent shall be notified as soon as possible. DDOT, the Council, and the DCSHPO may submit comments to the FHWA within seven days of the notification. If FHWA determines that circumstances do not permit seven days for comment, FHWA shall notify the DDOT, the Council, and DCSHPO and invite any comments in the determined and stated time available. FHWA shall consider these comments in developing a response to the treatment of historic properties in relation to the emergency situation.

IX. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The amendment will be effective on the date all of the signatories have executed the amendment and it is filed with the Council.

X. EFFECTIVE DATE OF AGREEMENT

This MOA shall become effective when executed by the last of the Signatories.

XI. TERMINATION

- A. If any Signatory of this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation IX.
- B. If, within thirty (30) days (or another time period agreed to by all Signatories), an amendment cannot be reached, any Signatory may terminate its participation in the MOA upon written notification to the other Signatories.
- C. If one or more Signatories terminate their participation in the MOA, all Signatories must either (1.) execute another MOA pursuant to 36 CFR Section 800.6 or (2.) request, take into account, and respond to the comments of the Council under 36 CFR Section 800.7 prior to continuing any work on the Undertaking. Each Signatory shall notify the remaining Signatories as to the course of action it will pursue.

XII. DURATION

This MOA shall be null and void if its terms are not carried out within ten (10) years from the date of execution, unless the Signatories agree to amend it in accordance with Stipulation IX of this MOA. If the CSX, FHWA and DDOT have not fulfilled the terms of the MOA prior to its expiration, the Signatories shall consult to reconsider the terms of the MOA and amend it according to Stipulation IX of this MOA or terminate it in accordance with Stipulation XI of this MOA. Termination of the MOA or failure to amend the MOA will require further consultation with 36 CFR Part 800 for all unfulfilled terms.

XIII. ANTI-DEFICIENCY

Nothing herein contained shall be construed as binding the United States or the District of Columbia to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this MOA for the fiscal year, or to involve the United States or the District of Columbia in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations. Further, no provision of this MOA shall be interpreted as or constitute a commitment or requirement that the United States or the District of Columbia obligate or

pay funds in contravention of applicable Anti-Deficiency Acts, or any other applicable provision of law.

XIV. LIST OF ATTACHMENTS

Attachment A: Area of Potential Effect

Attachment B: Site Form and Photographs of Archaeological Site 52SE062

Attachment C: Control Point Virginia Tower Photographs and Location Map

XV. SIGNATURES

Execution of this MOA, implementation of its terms and filing a copy with the Council evidences that FHWA and USMC have taken into account the effects of their undertakings on historic properties and provided the Council a reasonable opportunity to comment with regard to their undertakings.

Signatures Follow On Individual Pages Below

Federal Highway Administration

Mr. Joseph C. Lawson Division Administrator Date

5/21/2014 Date

District of Columbia State Historic Preservation Office

Mr. David J. Maloney

DC State Historic Preservation Officer

District Department of Transportation

Matthew T. Brown

Acting Director

June 5, 2014

Date

May 22, 2014

Date

District Department of Parks and Recreation

Dr. Sharia Shanklin
Acting Direct

Acting Director

Page 24

May 19, 2014
Date

CSX Transportation, Inc.

Dale W. Ophardt

Assistant Vice-President Engineering

United States Marine Corps

Christian G. Cabaniss Commanding Officer,

Marine Barracks Washington D.C.

06 MAY 14

Date

The National Park Service

Mr. Gopaul Noojibail

Acting Superintendent, National Capital Parks-East

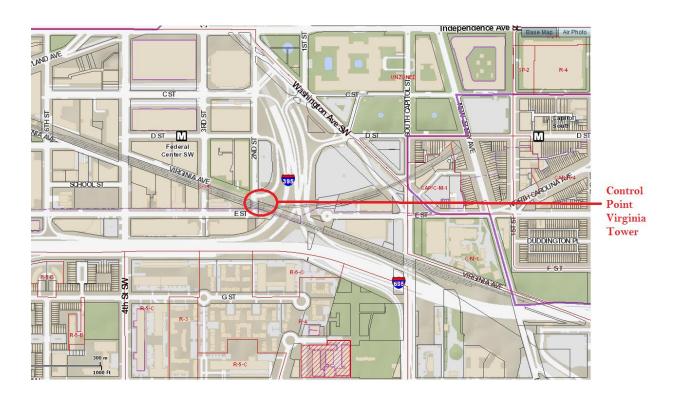
ATTACHMENT A – AREA OF POTENTIAL EFFECT MEMORANDUM OF AGREEMENT REGARDING THE RECONSTRUCTION OF THE VIRGINIA AVENUE TUNNEL



ATTACHMENT B – SITE FORM: ARCHAEOLOGICAL SITE 52SE062 MEMORANDUM OF AGREEMENT REGARDING THE RECONSTRUCTION OF THE VIRGINIA AVENUE TUNNEL

TO BE INCORPORATED AT A LATER DATE

ATTACHMENT C – CP VIRGINIA PHOTOGRAPHS AND LOCATION MAP MEMORANDUM OF AGREEMENT REGARDING THE RECONSTRUCTION OF THE VIRGINIA AVENUE TUNNEL





Control Point Virginia Tower, November, 2013

CSX/DC Government Memoranda of Agreements

Memorandum of Agreement
Between
CSX Transportation, Inc.
And the
District of Columbia
Acting through and by the
District Office of the Deputy Mayor
And the
District Department of Transportation
Regarding
Transportation Projects within the District of Columbia

This Memorandum of Agreement ("Agreement") is entered into as of the 23 day of August, 2010, by and between CSX Transportation, Inc., a corporation organized and existing under the laws of the Commonwealth of Virginia with its principal place of business at 500 Water Street, Jacksonville, Florida 32202 ("CSXT"), and the District of Columbia ("DC" or District"), a municipal corporation, acting through the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") and the District Department of Transportation ("DDOT"), collectively referred to herein as the "Parties."

WHEREAS, the Parties seek to form a foundation to improve the effectiveness of the transportation network to better serve the District and surrounding region; and

WHEREAS, the Parties have identified various projects that will benefit CSXT rail operations and DDOT's transportation initiatives; and

WHEREAS, the Parties recognize that working together on projects that mutually benefit the transportation network within the District will result in a more livable community; and

WHEREAS, the Parties mutually agree the projects listed below are critical to rail transportation, vehicular transportation, and safe pedestrian walkways throughout the District; and

WHEREAS, the Parties mutually agree that time is of the essence to have this Agreement executed no later than August 23, 2010, due to construction and development timelines for the 11th Street Bridge Project and Virginia Avenue Tunnel Expansion Project; and

WHEREAS, the Parties will coordinate and work together as needed to negotiate and execute mutually acceptable definitive agreements to implement the terms of this Agreement as set forth herein; and

WHEREAS, CSXT and DDOT intend this Agreement to supersede and replace the letter agreement between CSXT and DDOT dated July 26, 2010; and

NOW THEREFORE, in consideration of the mutual promises contained herein, the Parties hereto agree as follows:

ARTICLE I. RECITALS

The above recitals are incorporated into this Agreement as if fully set forth herein.

ARTICLE II. NATIONAL GATEWAY INITIATIVE

- A. DDOT and DMPED agree to provide support to CSXT in its efforts to develop the National Gateway Initiative ("NGI"). As such, DDOT agrees to send a letter by October 1, 2010 to the United States Department of Transportation ("USDOT") supporting the NGI. Further, DDOT and DMPED will support legislative efforts to secure federal funding for the NGI by supporting funding requests in the next federal surface transportation bill or other federal bills in which a funding mechanism could be applicable to the NGI freight program.
- B. DDOT will submit the TIGER II grant application on behalf of the National Gateway Coalition for a planning grant that includes the CSXT Virginia Avenue Tunnel Expansion Project.

ARTICLE III. VIRGINIA AVENUE TUNNEL

- A. DDOT agrees to credit CSXT up to Four Million, One Hundred Seventy One Thousand and Forty-Four Dollars (\$4,171,044) ("CSXT Credit Amount") toward the cost of the restoration and/or resurfacing of Virginia Avenue upon the completion of the construction for the Virginia Avenue Tunnel Expansion Project.
- B. The CSXT Credit Amount shall be applied by DDOT, subject to required appropriations, toward CSXT's costs for the restoration and/or resurfacing of Virginia Avenue upon completion of the construction for the Virginia Avenue Tunnel Expansion Project. DDOT shall obtain the CSXT Credit Amount of funds through traditional federal appropriations and obligations for resurfacing of Federal-Aid facilities. To the extent that the total cost for the restoration and/or resurfacing of Virginia Avenue exceeds the remaining credit balance of the CSXT Credit Amount to be applied by DDOT, such costs shall be paid by CSXT.
- C. DDOT agrees to provide a designated point of contact to assist CSXT in obtaining required public space permits for the Virginia Avenue Tunnel Expansion

Project and connection and greening proposals to improve the streetscape on Virginia Avenue, SE, as part of the tunnel expansion project.

- D. The District agrees to coordinate with CSXT and to expedite approvals of the required public space permits for the Virginia Avenue Tunnel Expansion Project. Costs of the District's coordination efforts and review shall be funded by CSXT. Upon completion of the new tunnel, CSXT shall restore the construction area in accordance with the design specifications and plans approved by DDOT.
- E. DDOT will provide a list of permits, licenses, and easements that may be needed for the construction on or before October 1, 2010. CSXT acknowledges that such list shall be subject to change based on changes in applicable laws, rules and regulations in effect at the time of construction.
- F. DDOT agrees to send a letter by October 1, 2010 to USDOT requesting expedient assistance on the National Environmental Policy Act requirements for the Virginia Avenue Tunnel Expansion Project.
- G. CSXT agrees to enter into a First Source Agreement with District of Columbia Office of Employment Services that shall, among other things, require CSXT to: (i) use diligent efforts to hire and use diligent efforts to require its architects, engineers, consultants, contractors, and subcontractors to hire at least fifty one percent (51%) District residents for all new jobs created by the Virginia Avenue Tunnel Expansion Project, all in accordance with such First Source Agreement and (ii) use diligent efforts to ensure that at least fifty one percent (51%) of apprentices and trainees employed are residents of the District and are registered in apprenticeship programs approved by the D.C. Apprenticeship Council. The Parties acknowledge and agree that the any First Source Agreement will be subject to CSXT's existing collective bargaining agreements and nothing under this First Source Agreement will supersede existing CSXT labor agreements.
- H. CSXT agrees to enter into an agreement with the District of Columbia Department of Small and Local Business Development governing certain obligations of CSXT regarding contracting participation of Certified Business Entities in the CSXT Virginia Avenue Tunnel Expansion Project in accordance with the Local and Disadvantaged Business Enterprise Development and Assistance Act of 2005, as amended (D.C. Law 16-33; D.C. Official Code §§ 2-218.01 et seq.). However, CSXT shall not be required to take on an equity and development participant as stated in DC Code § 18-249.49a, as part of the agreement discussed in this paragraph.

ARTICLE IV. 11th STREET BRIDGE PROJECT

A. DDOT will coordinate with CSXT to minimize, where possible, conflicts between the proposed temporary runaround trench for the CSXT temporary rail track and

the 11th Street Bridge construction during all phases of the construction of the Virginia Avenue Tunnel.

- CSXT shall remove and relocate a communication tower currently located on DDOT property that interferes with the proposed 11th Street ramp in Phase I, at no cost or expense to DDOT.
- C. CSXT shall pay to DDOT (or DDOT's authorized agent) Four Million, One Hundred Seventy-One Thousand, and Forty-Four Dollars (\$4,171,044) for design and construction costs associated with adjustments to the 11th Street Bridge Project required by CSXT ("Redesign Costs"). The Redesign Costs shall be paid in four (4) equal payments of One Million, Forty-Two Thousand, Seven Hundred Sixty-One Dollars (\$1,042,761) in accordance with the following payment schedule:
 - 1. The first payment shall be paid within thirty (30) days of the execution of the State-Railroad agreement between DDOT and CSXT for Ramp A-1;

 - The second payment shall be paid in the 2nd quarter of calendar year 2011;
 The third payment shall be paid in the 3rd quarter of calendar year 2011; and
 - 4. The fourth payment shall be paid in the 1st quarter of calendar year 2012.

If the Redesign Costs cannot be paid according to this payment schedule, the Parties agree to work together to determine how the Redesign Costs can be remitted to the Agency (or Agency's authorized agent). Once determined, the payment schedule shall be amended to reflect the Parties' decision regarding remittance of the Redesign Costs.

- CSXT and DDOT shall enter into the necessary State-Railroad agreement for the construction of Ramp A-1 of the 11th Street Bridge Project. In accordance with that agreement, CSXT shall provide up to One Hundred Thousand Dollars (\$100,000.00) in flagging services to the project. The State-Railroad agreement is attached as Exhibit A.
- Upon the payments set forth in the State-Railroad Agreement, CSXT shall have no further obligations to the District for the construction of Ramp A-1 of the 11th Street Bridge Project.

ARTICLE V. PROJECT COORDINATION

CSXT and DDOT agree that future projects near the CSXT right of way and DDOT public right of way will be coordinated to ensure any design and construction will accommodate the requirements of both CSXT and DDOT.

ARTICLE VI. ACCESS and EASEMENTS

- A. <u>H Street Access</u>: DDOT shall grant to CSXT a temporary easement for a term of ninety (90) days over a portion of the public right of way located in Lot 801 or Square N-737. The temporary easement area will run from the western edge of H Street, SE, (just east of New Jersey Avenue) to the railroad track. DDOT and CSXT shall negotiate in good faith the terms and conditions of the grant of a permanent easement and required releases. In the event that the subject property is transferred from DDOT's property inventory to DMPED's property inventory, DMPED and CSXT shall negotiate in good faith the terms and conditions of such permanent easement and required releases.
- B. Rhode Island Ave Access: CSXT conveyed to DDOT certain property rights between Rhode Island Avenue and Franklin Street on which the District constructed a bike trail and a fence to separate the public from the adjacent active railroad tracks. DDOT will provide to CSXT a temporary easement for a term of ninety (90) days over the District right of way near the Franklin Avenue Bridge. This easement will allow CSXT to access its signal equipment located within the railroad right of way south of Rhode Island Ave. DDOT and CSXT shall negotiate in good faith the terms and conditions of DDOT's grant of a permanent easement.
- C. <u>Anacostia Pedestrian Walkway/Trail</u>: CSXT shall grant to the District two (2) temporary easements for a term of ninety (90) days over CSXT property near the Anacostia River for the Anacostia Riverwalk Trail. CSXT and DDOT shall negotiate in good faith the terms and conditions of CSXT's grant of a permanent easement. CSXT and DDOT shall negotiate in good faith and enter into a State-Railroad agreement for the construction of the Anacostia Pedestrian Walkway/Trail.
- D. Rhode Island Avenue Pedestrian/Bicycle Bridge ("RI Ave. Ped/Bike Bridge"): CSXT shall grant a temporary easement for a term of ninety (90) days to the District over CSXT property near Rhode Island Avenue. CSXT shall also grant to the District access as needed for construction of the RI Ave. Ped/Bike Bridge; provided, however that the fees for the access for construction shall not exceed Ten Dollars (\$10). CSXT and DDOT shall negotiate in good faith the terms and conditions of CSXT's grant of a permanent easement. Additionally, CSXT and DDOT shall negotiate in good faith and enter into a State-Railroad agreement for the construction of the RI Ave. Ped/Bike Bridge.
- E. <u>Virginia Avenue Easements</u>: DDOT and CSXT shall negotiate in good faith the terms and conditions of DDOT's grant of a temporary easement for the use of the public right of way adjacent to the Virginia Avenue Tunnel for a temporary track throughout the construction period of the Virginia Avenue Tunnel Expansion Project.

ARTICLE VII. CSXT's SHEPPARD's BRANCH

CSXT and DDOT shall negotiate in good faith the terms and conditions for DDOT's use and development of CSXT's Shepherd's Branch property.

ARTICLE VIII. VIRGINIA AVENUE RESURFACING/RESTORATION

In accordance with Article III, Sections A and B above, DDOT will seek funding via the Transportation Improvement Program for the costs of restoration and/or resurfacing of Virginia Avenue, SE, up to the CSXT Credit Amount.

ARTICLE IX. NOTICE

All notices, requests or demands to a party hereunder shall be in writing and shall be effective (i) when received by overnight courier service or facsimile telecommunication (provided that a copy of such notice, request or demand is deposited into the United States mail within one (1) business day of the facsimile transmission), or (ii) three (3) days after being deposited into the United States mail (sent certified or registered, return receipt requested), in each case addressed as follows (or to such other address as either party may designate in writing to the other party in accordance with this Section):

To District:

Office of the Deputy Mayor for Planning and Economic Development
John A. Wilson Building
1350 Pennsylvania Ave., N.W., Suite 317
Washington, D.C. 20004
Attn: Deputy Mayor for Planning and Economic Development

District Department of Transportation 2000 14th Street, NW 6th Floor Washington, D.C. 20009 Attention: Director

District Department of Transportation Infrastructure Project Management Administration 64 New York Avenue, N.E., 1st Floor Washington, D.C. 20002 Attention: Chief Engineer District Department of Transportation 2000 14th Street, NW 5th Floor Washington, D.C. 20009 Attention: General Counsel

To CSX:

CSX Transportation, Inc. 500 Water Street C900 Jacksonville, Florida 32202 Attention: Louis Renjel

ARTICLE X. EXECUTION IN COUNTERPARTS

This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Execution and delivery of this Agreement by facsimile shall be sufficient for all purposes and shall be binding on any party to the Agreement.

ARTICLE XI. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement and understanding of the Parties with respect to the projects list above. No oral or other written provisions shall have any force or effect except those contained in a written amendment to this Agreement executed by the Parties or as specifically provided for in this Agreement.

ARTICLE XII. MODIFICATION OF AGREEMENT

No amendment, alteration or modification to this Agreement shall be effective unless agreed to in writing by the Parties.

ARTICLE XIII. ANTI-DEFICIENCY LIMITATIONS

A. The obligations of the District to fulfill financial obligations pursuant to this Agreement, or any subsequent agreement entered into pursuant to this Agreement or referenced herein (to which the District is a party), are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349-1351 1511-1519 (2004) (the "Federal ADA"), and D.C. Official Code §§ 1-206.03(e) and 47-105 (2001); (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 – 355.08 (2004 Supp.) (the "D.C. ADA" and (i) and (ii) collectively, as amended from time to time, the "Anti-Deficiency Acts"); and (iii) Section 446 of the District of

Columbia Home Rule Act, D.C. Official Code § 1-204.46 (2001). Pursuant to the Anti-Deficiency Acts, nothing in this Agreement shall create an obligation of the District in anticipation of an appropriation by Congress for such purpose, and the District's legal liability for the payment of any charges under this Agreement shall not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year as approved by Congress.

B. This Agreement shall not constitute an indebtedness of the District nor shall it constitute an obligation for which the District is obligated to levy or pledge any form of taxation or for which the District has levied or pledged any form of taxation. No District of Columbia Official or employee is authorized to obligate or expend any amount under this Agreement unless such amount has been appropriated by Act of Congress and is lawfully available.

ARTICLE XIV. SEVERABILITY

The Parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.

ARTICLE XV. APPLICABLE LAW

The Parties shall comply with all applicable laws, rules, and regulations whether now in force or hereafter enacted or promulgated that pertain to this Agreement. This Agreement shall be governed by the laws of the District of Columbia, exclusive of its choice of law rules. The Parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Washington, DC, and the Parties agree to submit to the personal jurisdiction of any state or federal court situated in Washington, DC.

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IN WITNESS WHEREOF, the parties hereto, through their authorized representatives, have executed this Memorandum of Agreement between CSXT Transportation, Inc., and the District of Columbia Office of the Deputy Mayor for Planning and Economic Development and the District Department of Transportation regarding the projects listed as of the date written first written above.

CSX Transportation, Inc.

Filler Fitzsimmons

Senior Vice President Law & Public Affairs

District of Columbia Office of the Deputy Mayor for Planning and Economic Development

y: Jahria Sanda Darutu

District Department of Transportation

Gabe Klein, Director

EXHIBIT A STATE-RAILROAD AGREEMENT

FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT

THIS FIRST AMENDMENT TO MEMORANDUM OF AGREEMENT

("Amendment") is entered into as of this 21st day of April, 2014 by and between CSX Transportation, Inc., ("CSXT") a corporation organized and existing under the laws of the Commonwealth of Virginia, the District of Columbia, a municipal corporation ("District") and the District of Columbia, acting through by and through the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") and the District Department of Transportation ("DDOT").

WHEREAS, the parties hereto are parties to that certain Memorandum of Agreement dated as of August 23, 2010 ("MOA"); and

WHEREAS, the parties desire to amend the Memorandum as provided herein;

NOW, THEREFORE, for good and valuable consideration, the parties hereto hereby agree as follows:

- 1. Section A of Article III is hereby amended by inserting the following new paragraph at the end thereof:
 - "Notwithstanding anything to the contrary in Sections A and B of this Section III, none of the CSXT Credit Amount shall be used for the Virginia Avenue Tunnel Expansion Project. In exchange for the payments in the total amount of \$4,171,044 CSXT previously made to DDOT pursuant to Section IV.C below to assist DDOT with the 11th Street Bridge Project, DDOT and CSXT agree to work together to identify an eligible project for the use of the CSXT Credit Amount using traditional federal appropriations and obligations for resurfacing of Federal-Aid facilities within the next six (6) months, however, failure to identify an eligible project shall not constitute a default under the MOA, as amended."
- 2. Article VIII of the Memorandum is hereby deleted.
- 3. This Amendment may be executed in multiple counterparts, each of which shall constitute an original and all of which together shall constitute one and the same instrument.
- 4. All provisions, terms and conditions contained in the MOA not expressly modified by this First Amendment, shall remain in full force and effect.

(Balance of Page Intentionally Blank)

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first written above.

CSA Transportation, Inc.
By: Juin C Roy l Name: Louis E. Renje ! Title: Vice President - Strategic Intrastructure
District of Columbia, by and through the District Department of Transportation
By:
District of Columbia, by and through the Office of the Deputy Mayor of Planning and Economic Development
Ву:
Name: Title:

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first written above.

CSX Transportation, Inc.

By:

Name:

Title:

District of Columbia, by and through the District Department of Transportation

Title:

District of Columbia, by and through the Office of the Deputy Mayor of Planning and Economic

Development

Name: Jeffett. Her olblo Deputy Maujor Hoskins, Title: per Office Order 2014-4

TERM SHEET AGREEMENT

This Term Sheet Agreement is entered into as of the 21st day of December, 2012, by and between CSX Transportation Inc., a Virginia corporation ("CSXT"), and the District of Columbia, a municipal corporation ("District" or "DC"), acting by and through the District Department of Transportation ("DDOT") pursuant to D.C. Official Code §§ 50-921.02, 50-921.04(1)(B), 50-921.04(4)(A), 50-921.05 (2012), by and through the undersigned.

- 1. <u>11th Street Bridge</u>. DDOT and CSXT are, contemporaneously with execution of this Agreement, executing a State-Railroad Agreement for the remainder of the 11th Street Bridge project in the form attached hereto as <u>Exhibit A</u> ("<u>Construction Agreement</u>").
- 2. 12th Street Tunnel Extension. CSXT will revise its current plans for a rebuilt Virginia Avenue Tunnel to include an extension to the east side of 12th Street, SE, to be designed and built at CSXT's cost and expense.
- 3. <u>CSXT's Occupancy Generally Below Virginia Avenue, SE</u>. DDOT and CSXT are, contemporaneously with the execution of this Agreement, executing a permit in the form attached hereto as <u>Exhibit B</u>.
- 4. Temporary Construction Public Space Permit.
 - a. If applicable, DDOT shall issue to CSXT a public space permit ("Construction Public Space Permit") for the period during which CSXT undertakes the reconstruction of the Virginia Avenue Tunnel and related improvements including tracks, switches, signals, pipes, wires and other railroad improvements (collectively, the "Railroad Improvements").
 - b. CSXT shall commence the reconstruction work after the issuance of a record of decision (the "Record of Decision") issued in accordance with the National Environmental Policy Act ("NEPA"), but only if the Record of Decision selects one of three build alternatives currently described in that certain Draft Environmental Impact Statement dated September 7, 2012 (as the same may be amended, the "DEIS"), which is being prepared by DDOT and the Federal Highways Administration ("FHWA"), in lieu of selecting the "no build alternative" set forth in the DEIS.
 - c. The reconstruction work shall be completed, if undertaken, in accordance with the Record of Decision.
 - d. The Construction Public Space Permit shall allow CSXT to use and access the public space and right of way reasonably required by CSXT outside the area of CSXT's permanent rights in the Virginia Avenue, SE corridor for construction staging and related purposes during construction of the Railroad Improvements after issuance of the Record of Decision and subject to obtaining construction and related permits and approvals from other agencies of the District.
 - e. As pertains to the Construction Public Space Permit, no public inconvenience fees shall be assessed for the temporary occupancy of public space just east of 11th Street,

- SE to the east side of 12th Street, SE that pertain to the extension of the Virginia Avenue Tunnel to the east side of 12th Street, SE.
- f. DDOT shall deliver the Construction Public Space Permit to CSXT promptly after issuance of the Record of Decision and delivery to DDOT of a fully-completed application for the Construction Public Space Permit.
- 5. Environmental Impact Statement ("EIS") Process. DDOT shall continue to provide oversight of the EIS process for the Virginia Avenue Tunnel Project as co-lead agency with FHWA. DDOT will partner with FHWA and CSXT to manage the EIS process under FHWA's Every Day Counts initiative and applicable federal law, which is designed to shorten project delivery, enhance project safety, and protect the environment.
- 6. Other Matters To Be Addressed Hereafter.
 - a. CSXT and DDOT have agreed to address additional matters promptly after execution of this Term Sheet Agreement, the Construction Agreement and the permit described in Section 3, but in all events on or before January 31, 2013. Those matters include, but are not limited to, the matters identified below.
 - i. Credits to CSXT and DDOT.
 - ii. Parkside Bridge.
 - iii. Sewer-related costs and agreements.
 - iv. Anacostia Bridge (East).
 - v. Shepherds Branch.
 - vi. Barney Circle.
 - b. CSXT and the DC Office of the City Administrator ("CA") have agreed to address the following matters as soon as possible, but in all events on or before January 31, 2013.
 - i. Permits and approvals (other than the Construction Public Space Permit addressed above in Section 3) for construction of the Virginia Avenue Tunnel Project.
 - ii. First Source and Certified Business Enterprises ("CBE") agreements.

The CA supports the purpose of this Term Sheet Agreement, and is joining this Term Sheet Agreement as pertains to this Section 6(b).

7. <u>Counterparts</u>. This Term Sheet Agreement may be executed by the parties in counterparts, which taken together shall constitute one written agreement by and between the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Term Sheet Agreement as of the date first written above.

> DISTRICT OF COLUMBIA, by and through the District Department of Transportation

By:

Name: Terry Bellamy

Title: Director

CSX TRANSPORTATION, INC.

Title: Vice-President

AGREED - ONLY AS TO SECTION 6(b)

DISTRICT OF COLUMBIA, by and through the

Office of the City Administrator

By:

Nâme: Allen Y. Lew Title: City Administrator

the parties hereto have executed this Term Sheet Agreement

as of the date first written above.	, the parties hereto have executed this Term survey
	DISTRICT OF COLUMBIA, by and through the District Department of Transportation
	By: Tenry Sellary Name: Terry Bellamy
	Title: Director
	CSX TRANSPORTATION, INC.
	By: Name: Louis E. Renjel, Jr. Title: Vice-President
AGREED - ONLY AS TO SECT	TION 6(b)
DISTRICT OF COLUMBIA, by Office of the City Administrator	
By: Name: Title:	

IN WITNESS WHEREOF, the parties hereto have executed this Term Sheet Agreement as of the date first written above.

	DISTRICT OF COLUMBIA, by and through the District
	Department of Transportation
	By: Name: Terry Bellamy Title: Director
	CSX TRANSPORTATION, INC.
	By: Mame: Louis E. Renjel, Jr. Title: Vice-President
AGREED - ONLY AS TO SECTION	ON 6(b)
DISTRICT OF COLUMBIA, by an Office of the City Administrator	nd through the
By: Name: Title:	

EXHIBIT A

<u>Project</u>: Washington, DC – Proposed construction of the remainder of the 11th Street, SE Bridges over CSXT, MP CFP 112.90 to 113.6 of the RF&P Subdivision within the Baltimore Division in Washington, DC

STATE-RAILROAD AGREEMENT

This State-Railroad Construction Agreement ("Agreement") is made effective as of December 21, 2012, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida ("CSXT"), and the DISTRICT DEPARTMENT OF TRANSPORTATION ("DDOT" or "Agency"), an agency of the District of Columbia ("District" or "DC"), individually referred to as a "Party" or collectively as the "Parties."

RECITALS

- 1. Agency previously constructed Ramp A-1 of the 11th Street Bridge project and now desires to complete construction of the entire 11th Street Bridge project (collectively referred to herein as the "Project").
- Agency desires to construct a portion of the Project over improvements owned and operated by CSXT at Milepost CFP-112.9 to 113.6 of the RF&P Subdivision within the Baltimore Division in Washington, DC (collectively, the "CSXT Railroad Improvements").
- Agency has obtained, or will obtain, all authorizations, permits and approvals from all local, state and federal agencies (including Agency), and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.
- 4. Agency acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations for this Project, without profit or other economic inducement; (ii) neither CSXT nor its affiliates (including their respective directors, officers, employees or agents) will incur any costs or expenses in excess of payments made to CSXT by or on behalf of Agency or its contractors, except as otherwise provided in this Agreement; and (iii) CSXT retains the paramount right to regulate all activities affecting its property and operations.
- 5. The Federal Highway Administration of the United States Department of Transportation (hereinafter called "FHWA"), has agreed to participate in financing the Project, and, as a condition prerequisite to assistance in financing said Project, has required that an agreement be entered into between the District and CSXT for construction and maintenance of, and reimbursement of the costs associated with, the Project pursuant to 23 C.F.R. § 646.216(d) (2012) et. seq.
- 6. As of the date of this Agreement Agency has, or shall have obtained, appropriations to fund the CSXT Work (defined below) as set forth in Section 4.1.
- 7. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Recitals and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the Parties, the Parties agree as follows:

1. Project Plans and Specifications

1.1 Preparation and Review. All plans, specifications, drawings and other documents necessary or appropriate to the design and construction of the Project have been or shall be prepared by Agency or their respective contractors. CSXT and Agency shall coordinate the review of those

plans and of any subsequent Project plans, specifications and drawings prepared by or on behalf of Agency that affect the CSXT Railroad Improvements as described in that certain Preliminary Engineering Agreement between CSXT and the Agency dated as of October 2, 2012, so that CSXT shall have an opportunity to review and approve the same. Such plans, specifications and drawings, as have been or may be reviewed by CSXT, are referred to as the "Plans," and are or shall be incorporated and deemed a part of this Agreement. Plans prepared or submitted to and reviewed by CSXT as of the date of this Agreement are set forth in Exhibit A to this Agreement. Any change to any Plans shall be designed by the Agency to result in the least impact to CSXT and any of its existing improvements or planned improvements which CSXT has shared with the Agency.

- 1.2 Effect of CSXT Review or Preparation of Plans. By its review of Plans pursuant to this Agreement, CSXT signifies only that such Plans and improvements constructed in accordance with such Plans satisfy CSXT's requirements. CSXT expressly disclaims all other representations and warranties in connection with the Plans, including, but not limited to, the integrity, suitability or fitness for the purposes of Agency or any other persons of the Plans or improvements constructed in accordance with the Plans.
- 1.3 Compliance with Plans. The Project shall be performed in accordance with the Plans.

2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

- CSXT Work. CSXT shall provide, or cause to be provided, only the services set forth in Section B of Exhibit B to this Agreement (the "CSXT Work"). Agency agrees that CSXT shall provide all services in connection with the CSXT Work that CSXT deems necessary or appropriate (whether or not specified by Exhibit B) to preserve and maintain its property and operations in compliance with all applicable federal, state and local regulations and CSXT's contractual obligations, including, but not limited to, CSXT's existing or proposed third party agreements and collective bargaining agreements. The CSXT Work shall include CSXT's monitoring of Agency's construction of the Project and inspecting the Project work to confirm that the Project work has been completed in accordance with the Plans and will not affect the CSXT Railroad Improvements. No such monitoring or inspections shall make CSXT in any way responsible for the Project work or the Project.
- 2.2 Agency Work. Agency shall perform, or cause to be performed, all work as set forth in Section A of Exhibit B.
- 2.3 Conduct of Work. CSXT shall commence the CSXT Work under this Agreement following: (i) delivery to CSXT of a notice to proceed from Agency; (ii) issuance of all permits, approvals and authorizations necessary or appropriate for such work; and (iii) delivery of proof of insurance acceptable to CSXT, as required by Section 9. The initiation of any services in connection with the CSXT Work by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The Parties anticipate that all work in connection with the Project by CSXT or on CSXT property will conclude no later than November 1, 2015, nonetheless, the Agreement shall terminate as described in Section 23.
- 3. <u>Special Provisions</u>. Agency shall observe and abide by, and shall require its contractors ("Contractors") to observe and abide by the terms, conditions and provisions set forth in <u>Exhibit C</u>

to this Agreement (the "Special Provisions"). Agency further agrees that, prior to the commencement of Project work by any third party Contractor, such Contractor shall execute and deliver to CSXT Schedule I to this Agreement to acknowledge Contractor's agreement to observe and abide by the terms and conditions of this Agreement.

4. Cost of Project and Reimbursement Procedures

- 4.1 Reimbursable Expenses. Agency shall reimburse CSXT up to \$861,102 for the costs and expenses incurred by CSXT in connection with the Project and for the CSXT Work, as such costs are set forth in Exhibit D or as may be subsequently approved in accordance with Section 4.2 of this Agreement including, without limitation: (1) all out of pocket expenses, (2) travel and lodging expenses, (3) telephone, facsimile, and mailing expenses, (4) costs for equipment, tools, materials and supplies, (5) sums paid to CSXT's consultants and subcontractors, and (6) CSXT labor, together with CSXT labor overhead percentages established by CSXT pursuant to applicable law (collectively, "Reimbursable Expenses").
- Estimate. CSXT has estimated the total Reimbursable Expenses for the Project as shown on Exhibit D (as amended or revised in writing by both parties hereto, the "Estimate"). In the event CSXT anticipates that actual Reimbursable Expenses for the Project may exceed such Estimate, it shall provide Agency with the revised Estimate of the total Reimbursable Expenses, together with a revised Payment Schedule (as defined by Section 4.3.1). After review by the Agency of the revised Estimate of the total Reimbursable Expenses and revised Payment Schedule:
 - i. Agency may reduce the scope of work for the Project such that the funding level set forth in Exhibit D is sufficient for the Reimbursable Expenses;
 - ii. Exhibit D may be revised to reflect the new estimate for the Reimbursable Expenses upon the Agency's agreement to provide the additional estimated cost and expenses, subject to any necessary appropriations or approval;
 - iii. CSXT may elect, by delivery of notice to Agency, to immediately cease all further CSXT Work on the Project, unless and until Agency provides approval and confirmation that sufficient funds have been appropriated to cover the total Reimbursable Expenses of the new Estimate; or
 - iv. Any combination of (i), (ii), or (iii).

4.3 Payment Terms.

- 4.3.1 After review and approval of the applicable invoices by Agency, Agency shall pay CSXT for Reimbursable Expenses as set forth in the Payment Schedule as shown on Exhibit E (the "Payment Schedule," as may be revised pursuant to Section 4.2).
- 4.3.2 Following completion of the Project, CSXT shall submit to Agency a final invoice that reconciles the total Reimbursable Expenses incurred by CSXT against the total payments received from Agency. After review and approval of the final invoice by Agency, Agency shall pay to CSXT the amount by which Reimbursable Expenses exceed total payments as shown by the final invoice, if any, within thirty (30) days following delivery of such invoice to Agency. In the event that the payments received by CSXT from

Agency exceed the Reimbursable Expenses, CSXT shall remit such excess to Agency within thirty (30) days following delivery of such final invoice to Agency.

- 4.3.3 In the event that Agency fails to pay CSXT any sums due CSXT under this Agreement, CSXT may, in CSXT's sole discretion:
 - i. Immediately cease all further CSXT Work on the Project, unless and until Agency pays the entire delinquent sum, together with accrued interest;
 - ii. Terminate this Agreement; or
 - iii. Pursue the remedies set forth in Section 22 of this Agreement or otherwise available to CSXT at equity or in law.
- 4.3.4 All invoices from CSXT shall be delivered to Agency in accordance with Section 16 of this Agreement. All payments by Agency to CSXT shall be made by official government check and mailed to the following address or such other address as designated by CSXT's notice to Agency:

CSX Transportation, Inc. P. O. Box 116651 Atlanta. GA 30368-6651

- 4.4 <u>Federal-aid Project</u>. The Parties agree that the Project is subject to, and shall be completed in accordance with, the following titles of the Federal-Aid Program Guide which are incorporated by reference:
 - i. 23 CFR 140 Subpart I: Reimbursement for Railroad Work.
 - ii. 23 CFR 646 Subpart A: Railroad Highway Insurance Protection.
 - iii. 23 CFR 646 Subpart B: Railroad Highway Projects
 - iv. Amendments to parts (i), (ii), and (iii) hereinabove.
- 4.5 <u>Effect of Termination</u>. Agency's obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement.
- 5. <u>Appropriations</u>. Agency shall comply with applicable rules and regulations regarding the appropriation of funding for the Project. Agency shall use its best efforts to obtain appropriations necessary to cover Reimbursable Expenses encompassed by subsequent Estimates approved by Agency, if any, and shall promptly notify CSXT in the event that Agency is unable to obtain such appropriations.
- 6. Easements and Licenses
 - 6.1 Agency Obligation. Agency shall acquire all necessary licenses, permits and easements required for the Project.
 - 6.2 <u>Temporary Construction Licenses</u>. Insofar as CSXT has the right to do so, CSXT hereby grants to Agency and Agency's Contractors a nonexclusive license to access and cross CSXT's

- property, to the extent necessary for the pre-construction and construction of the Project (excluding ingress or egress over public grade crossings).
- easements for the use and maintenance of the Project wholly or partly on CSXT property as shown on the Plans approved by CSXT, if any, on terms and conditions acceptable to the Parties. Upon request by CSXT, Agency shall furnish to CSXT descriptions and plat plans for the easements.
- 7. <u>Permits.</u> At no cost or expense to CSXT, Agency shall procure all permits and approvals required by any federal, state, or local governments or governmental agencies for the construction, maintenance and use of the Project, copies of which shall be provided to CSXT.

8. Termination

- 8.1 By Agency. For any reason, Agency may terminate this Agreement by delivery of notice to CSXT.
- 8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to Agency in the event Agency or Agency's Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to Agency.
- Section or any other provision of this Agreement, the Parties understand that it may be impractical for the Party to stop work immediately. Accordingly, the Parties agree that, in such instance a Party may continue to perform work until the Party has reached a point where the Party may reasonably and safely suspend the work. Agency shall reimburse CSXT pursuant to this Agreement for the CSXT Work performed up to, but not to exceed, the amount of Reimbursable Expenses after Agency review and approval of the applicable invoices, and CSXT may pursue the remedies set forth in Section 22 for any additional expenses CSXT incurs to stop the CSXT Work (or pursue such other remedies available to CSXT at equity or in law). The provisions of this Section 8.3 shall survive the termination of this Agreement.
- 9. <u>Insurance</u>. In addition to the insurance that Agency requires of Agency's Contractor, Agency shall require Agency's Contractor to purchase and maintain insurance in compliance with CSXT's insurance requirements attached to this Agreement as <u>Exhibit F</u>. Contractor shall not commence work on the Project until such policy or policies have been submitted to and approved by CSXT's Risk Management Department. The provisions of this Section 9 shall survive the termination or expiration of this Agreement.

10. Ownership and Maintenance

10.1 By Agency. Agency shall own and, without cost to CSXT, shall maintain and repair the improvements constructed by Agency as part of the Project, including without limitation, the 11th Street, SE Bridges (collectively, "Agency Improvements"). In no event shall the Agency Improvements include any railroad infrastructure. In the event that Agency fails to properly maintain any portion of the Agency Improvements, and such failure jeopardizes the safe and efficient operation of CSXT's railroad and the CSXT Railroad Improvements, CSXT shall request that the Agency repair the Agency Improvements. If for any reason the Agency does

not repair the Agency Improvements, CSXT may repair the Agency Improvements after providing reasonable notice to the Agency of the anticipated repairs and obtaining the necessary approvals from the Agency to perform such repairs; provided, however, if a situation exists that causes or may cause imminent harm or danger to CSXT operations, employees or property, CSXT may take immediate action to make any necessary repairs and promptly provide notice of such action to Agency.

- 10.2 <u>Alterations</u>. Agency shall not undertake any alteration, modification or expansion of the Project that may affect the CSXT Railroad Improvements without the coordination of CSXT.
- 10.3 <u>Survival</u>. The provisions of this Section shall survive the termination or expiration of this Agreement.

11. Indemnification

- 11.1 Agency's Contractors. Agency's Contractors shall indemnify, defend, and hold CSXT, CSXT's affiliates and their agents, employees, officers and directors, harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, CSXT's affiliates, Agency or Agency's Contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, CSXT's affiliates, Agency or Agency's Contractors, and environmental damages and any related remediation brought or recovered against CSXT and CSXT's affiliates), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of the Contractor and Contractor's respective agents, employees, invitees, subcontractors, or Agency's agents, employees or invitees in the performance of work in connection with the Project or activities incidental thereto, or from their presence on or about CSXT's property in connection with the Project. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement.
- 11.2 CSXT. CSXT shall indemnify, defend, and hold Agency harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind for any injury to or death to any person(s) for the loss of or damage to any property whatsoever, arising directly from the negligence, recklessness or intentional wrongful misconduct of CSXT and CSXT's respective agents, employees, invitees, contractors, subcontractors, or CSXT's affiliates' agents, employees or invitees in the performance of work in connection with the Project or activities incidental thereto, or from their presence on or about CSXT's or Agency's property in connection with the Project. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Agreement, except to the extent required by law or otherwise expressly provided by this Agreement. CSXT's indemnification obligation does not limit or reduce any coverage or obligations required by the insurance as set forth in Exhibit F.
- 11.3 Compliance with Laws. Agency shall comply, and shall require Agency's Contractors to comply, with any federal, state, or local laws, statutes, codes, ordinances, rules, and regulations applicable to Agency's construction and maintenance of the Project. Agency's Contractors shall indemnify, defend, and hold CSXT and CSXT's affiliates harmless with respect to any fines, penalties, liabilities, or other consequences arising from breaches by Agency's Contractor of this Section.

- 11.4 "CSXT Affiliates." For the purpose of this Section, CSXT's affiliates include CSX Corporation and all entities, directly or indirectly, owned or controlled by or under common control of CSXT or CSX Corporation and their respective officers, directors, employees and agents.
- 11.5 Notice of Incidents. Agency and Agency's Contractor shall notify CSXT promptly of any loss, damage, injury or death arising out of or in connection with the Project work.
- 11.6 <u>Survival</u>. The provisions of this Section shall survive the termination or expiration of this Agreement.
- 12. <u>Independent Contractor</u>. The Parties agree that neither Agency nor Agency's Contractors shall be deemed either agents or independent contractors of CSXT. Except as otherwise provided by this Agreement, CSXT shall exercise no control whatsoever over the employment, discharge, compensation of, or services rendered by Agency or Agency's Contractors, or the construction practices, procedures, and professional judgment employed by Agency or Agency's Contractors to complete the Project. Notwithstanding the foregoing, this Section shall in no way affect the absolute authority of CSXT to prohibit Agency or Agency's Contractors or anyone from entering CSXT's property, or to require the removal of any person from CSXT's property, if CSXT determines, in CSXT's sole discretion, that such person is not acting in a safe manner or that actual or potential hazards in, on or about the Project exist, to the extent that such actions or hazards are inconsistent with the work required for the Project.
- 13. Entire Agreement. This Agreement embodies the entire understanding of the Parties, may not be waived or modified except in a writing signed by authorized representatives of both Parties, and supersedes all prior or contemporaneous written or oral understandings, agreements or negotiations regarding its subject matter. In the event of any inconsistency between this Agreement and the Exhibits, the more specific terms of the Exhibits shall be deemed controlling.
- 14. Waiver. If either Party fails to enforce its respective rights under this Agreement, or fails to insist upon the performance of the other Party's obligations hereunder, such failure shall not be construed as a permanent waiver of any rights or obligations in this Agreement.
- 15. <u>Assignment</u>. This agreement may not be assigned by either Party without the written consent of the non-assigning Party. All terms of this Agreement shall be binding upon, inure to the benefit of, and be enforceable by the Parties hereto and their respective legal representatives, successors and assigns. Notwithstanding the foregoing, CSXT and DDOT shall have the right to assign this Agreement and all of its rights and obligations hereunder only to a successor-in-interest or an entity related to or controlled by CSXT or DDOT, respectively, upon reasonable notice of the transaction or event that triggered the assignment to the other Party.
- 16. Notices. All notices, consents and approvals required or permitted by this Agreement shall be in writing and shall be deemed delivered upon personal delivery, upon the expiration of three (3) days following mailing by first class U.S. mail, or upon the next business day following mailing by a nationally recognized overnight carrier, to the Parties at the addresses set forth below, or such other addresses as either Party may designate by delivery of prior notice to the other Party:

If to CSXT:

CSX Transportation, Inc. 500 Water Street, J-301 Jacksonville, Florida 32202

Attention: Assistant Chief Engineer - Project Management

If to Agency:

District Department of Transportation 55 M Street, SE

5th Floor

Washington, D.C. 20003 Attention: Director

District Department of Transportation Infrastructure Project Management Administration 55 M Street, SE 4th Floor Washington, D.C. 20003 Attention: Chief Engineer

District Department of Transportation 55 M Street, SE 7th Floor Washington, D.C. 20003 Attention: General Counsel

- 17. <u>Severability</u>. The Parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of this Agreement remaining valid and enforceable.
- 18. Applicable Law. The Parties shall comply with all applicable laws, rules, and regulations whether now in force or hereafter enacted or promulgated. This Agreement shall be governed by the laws of the District of Columbia, exclusive of its choice of law rules. The Parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated in Washington, DC, and the Parties agree to submit to the personal jurisdiction of any State or Federal court situated in Washington, DC.

19. Anti-Deficiency Limitations.

19.1 The obligations of the District to fulfill financial obligations pursuant to this agreement, or any subsequent agreement entered into pursuant to this Agreement or referenced herein (to which the District is a Party), are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349-1351 1511-1519 (2004) (the "Federal ADA"), and D.C. Official Code §§ 1-206.03(c) and 47-105 (2001); (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01 – 355.08 (2004 Supp.) (the "D.C. ADA" and (i) and (ii) collectively, as amended from time to time, the "Anti-Deficiency Acts"); and (iii) Section 446 of the District of Columbia Home Rule Act, D.C. Official Code § 1-204.46 (2001). Pursuant to the Anti-Deficiency Acts, nothing in this Agreement shall create an obligation of the District in anticipation of an appropriation by Congress for such purpose, and the District's legal liability for the payment of any charges under this Agreement shall not arise or obtain in advance of the lawful availability of appropriated funds for the applicable fiscal year as approved by Congress.

- 19.2 The District agrees to exercise all lawful authority available to it to satisfy the financial obligations of the District that may arise under this Agreement. During the term of this Agreement, the Mayor of the District of Columbia or other appropriate official shall, for each fiscal period, include in the budget application submitted to the Council of the District of Columbia the amount necessary to fund the District's known potential financial obligations under this Agreement for such fiscal period. In the event that a request for such appropriations is excluded from the budget approved by the Council and submitted to Congress by the President for the applicable fiscal year or if no appropriation is made by Congress to pay such amounts under this Agreement for any period after the fiscal year for which appropriations have been made, and in the event appropriated funds for such purposes are not otherwise lawfully available, the District will not be liable to make any payment under this Agreement upon the expiration of any then-existing appropriation, the District shall promptly notify CSXT, and this Agreement shall immediately terminate upon the expiration of any then-existing appropriation.
- 19.3 Notwithstanding the foregoing, no officer, employee, director, member or other natural person or agent of the District shall have any personal liability in connection with the breach of the provisions of this Section or in the event of a default by the District under this Agreement.
- 19.4 This Agreement shall not constitute an indebtedness of the District nor shall it constitute an obligation for which the District is obligated to levy or pledge any form of taxation or for which the District has levied or pledged any form of taxation. No District of Columbia Official or employee is authorized to obligate or expend any amount under this Agreement unless such amount has been appropriated by Act of Congress and is lawfully available.
- 20. <u>Authority for Agreement</u>. 23 C.F.R. § 646.216(d) (2012) et seq.; D.C. Official Code §§ 50-921.04(1)(B) and 50-921.05(b).
- 21. <u>Amendments and Modifications</u>. No amendment, alteration or modification to this Agreement shall be effective unless agreed to in writing by both Parties.

22. Resolution of Disputes.

- 22.1 Any dispute between the Parties arising out of or relating to this Agreement first shall be submitted to the Executive Committee for review and decision. The Executive Committee shall consist of the Agency Director, Agency Chief Engineer, CSXT's Assistant Chief Engineer-Public Projects and the CSXT's Principal Engineer for the District of Columbia, or their authorized designees. Such dispute shall be deemed to be resolved by the Executive Committee if said Executive Committee unanimously arrives at a single determination.
- 22.2 Each Party retains the right, after making a good faith effort to expeditiously resolve the dispute pursuant to the terms of Section 22.1, to pursue such other actions and remedies otherwise permitted or authorized by law or equity. The Parties shall continue to perform their responsibilities under this Agreement for a period of thirty (30) days (unless otherwise agreed by the Executive Committee) pending the final resolution of the dispute unless a situation exists that causes or may cause imminent harm or damage to CSXT employees, operations, or property, or the employees, operations, or property of Agency or its contractors.
- 23. <u>Term.</u> This Agreement shall remain in effect until one (1) year after the CSXT Work is completed as discussed in Section 2.3, unless otherwise terminated or modified.
- 24. Recitals. The recitals are incorporated herein by reference.

25. <u>Counterparts</u>. This Agreement may be executed by the Parties in counterparts, which taken together shall constitute one written agreement by and between the Parties.

Signatures on Following Page

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

Name: Torry Bellamy

Title: Director

 $CSX\ TRANSPORTATION, INC.$

Name: Peter J. Shudtz

Title: Vice-President and General Counsel

EXHIBIT A

PLANS AND SPECIFICATIONS

Plans, Specifications and Drawings:

As of the date of this Agreement, the following plans, specifications and drawings have been submitted by Agency to CSXT:

• 11th Street Bridge Project - Bridge S-20 over CSX Railroad - Design Documents

NOTE: In the event subsequent plan submissions are made by Agency to CSXT for review, once approved by CSXT, said plans shall be considered to be incorporated into this Exhibit A as of the date of CSXT's approval.

EXHIBIT B

ALLOCATION OF WORK

Subject to Section 2.1, work to be performed in connection with the Project is allocated as follows:

- Agency shall cause the construction of the Project.
- B. CSXT shall perform or cause to be performed:
 - 1. Flagging in connection with Section X of Exhibit C to this Agreement.
 - 2. Construction monitoring services as described in Section 2.1 of the Agreement.
 - 3. Review of Plans presented by Agency to CSXT as described in Section 1.1 of the Agreement.
 - 4. Relocation of CSXT owned electrical/communication/signal box and cabling from existing location adjacent to CSXT's tunnel to a new location to be agreed upon between CSXT and Agency.

EXHIBIT C

CSXT SPECIAL PROVISIONS

DEFINITIONS:

As used in these Special Provisions, all capitalized terms shall have the meanings ascribed to them by this Agreement, and the following terms shall have the meanings ascribed to them below:

"CSXT" shall mean CSX Transportation, Inc., its successors and assigns.

"CSXT Representative" shall mean the authorized representative of CSX Transportation, Inc.

"Agreement" shall mean this Agreement to which this Exhibit C is made a part thereof and as may be amended from time to time.

"Agency" shall mean the District of Columbia Department of Transportation.

"Agency Representative" shall mean the authorized representative of District of Columbia Department of Transportation.

"Contractor" shall have the meaning ascribed to such term by this Agreement.

"Work" shall mean the Project as described in this Agreement.

I. AUTHORITY OF CSXT ENGINEER

The CSXT Chief Engineer or the Chief Engineer's Representative shall have final authority in all matters affecting the safe maintenance of CSXT operations and CSXT property, and his or her approval shall be obtained by the Agency or its Contractor for methods of construction to avoid interference with CSXT operations and CSXT property and all other matters contemplated by this Agreement and these Special Provisions.

II. INTERFERENCE WITH CSXT OPERATIONS

- A. Agency shall cause its Contractor to arrange and conduct its work so that there will be no interference with CSXT operations, including train, signal, telephone and telegraphic services, or damage to CSXT's property, or to poles, wires, and other facilities of tenants on CSXT's property or right-of-way. Agency shall cause its Contractor to store materials so as to prevent trespassers from causing damage to trains, or CSXT property. Whenever Work is likely to affect the operations or safety of trains, the method of doing such Work shall first be submitted to the CSXT Representative for approval, but such approval shall not relieve Agency's Contractor from liability in connection with such Work.
- B. If conditions arising from or in connection with the Project require that immediate and unusual provisions be made to protect train operation or CSXT's property, Agency shall cause its Contractor to make such provision. If the CSXT Representative determines that such provision is insufficient, CSXT may, require or provide such provision, as Agency's agent, as may be deemed necessary, and may pursue the remedies available to it under

Section 22 or under applicable laws or at equity and in no event does CSXT waive any right to seek a claim against the Agency for the cost of such work.

- III. NOTICE OF STARTING WORK. Agency's Contractor shall not commence any work on CSXT property or right-of-way until it has complied with all of the following conditions:
 - A. Notified CSXT of the date that it intends to commence Work on the Project. Such notice must be received by CSXT at least ten (10) days in advance of the date Agency's Contractor proposes to begin Work on CSXT property. If flagging service is required, such notice shall be submitted at least thirty (30) days in advance of the date scheduled to commence the Work.
 - B. Obtained authorization from the CSXT Representative to begin Work on CSXT property, such authorization to include an outline of specific work conditions with which it must comply.
 - C. Obtained from CSXT the names, addresses and telephone numbers of CSXT's personnel who must receive notice under provisions in this Agreement. Where more than one individual is designated, the area of responsibility of each shall be specified.

IV. WORK FOR THE BENEFIT OF THE CONTRACTOR

- A. No temporary or permanent changes to wire lines or other facilities (other than third party fiber optic cable transmission systems) on CSXT property that are considered necessary to the Work are anticipated other than shown on the Plans. If any such changes are, or become, necessary in the opinion of CSXT or Agency, such changes will be covered by appropriate revisions to the Plans and by preparation of a force account estimate. Such force account estimate may be initiated by either CSXT or Agency, but must be approved by both CSXT and Agency. Agency or Contractor shall be responsible for arranging for the relocation of the third party fiber optic cable transmission systems, at no cost or expense to CSXT.
- B. Should Agency or Contractor desire any changes in addition to the above, then it shall make separate arrangements with CSXT for such changes to be accomplished at no cost or expense to CSXT.

V. HAUL ACROSS RAILROAD

- A. Agency and Contractor have the right to access the CSXT Railroad Improvements to construct the Project pursuant to Section 6.2 of this Agreement.
- B. Agency's Contractor shall not cross CSXT's property and tracks with vehicles or equipment of any kind or character, except at such crossing or crossings as may be permitted pursuant to this section.

VI. COOPERATION AND DELAYS

A. Agency or Contractor shall arrange a schedule with CSXT for accomplishing stage construction involving work by CSXT. In arranging its schedule, Agency or Contractor shall ascertain, from CSXT, the lead time required for assembling crews and materials and shall make due allowance therefor.

- B. Agency and Contractor may not charge any costs or submit any claims against CSXT for hindrance or delay caused by railroad traffic; work done by CSXT or other delay incident to or necessary for safe maintenance of railroad traffic; or for any delays due to compliance with these Special Provisions, provided however, that CSXT shall use reasonable efforts to coordinate with the Contractor and/or Agency to avoid or minimize any such hindrance or delay.
- C. Agency and Contractor shall cooperate with others participating in the construction of the Project to the end that all Work may be carried on to the best advantage, and in a manner that will not negatively affect CSXT's tunnel and other CSXT improvements and property.
- D. Agency and Contractor understand and agree that CSXT does not assume any responsibility for Work performed by others in connection with the Project. Agency and Contractor further understand and agree that Agency and Contractor shall have no claim whatsoever against CSXT for any inconvenience, delay or additional cost incurred by Agency or Contractor on account of operations by others.

VII. STORAGE OF MATERIALS AND EQUIPMENT

Agency and Contractor shall not store their materials or equipment on CSXT's property or where Agency and Contractor may potentially interfere with CSXT's operations, unless Agency or Contractor has received CSXT Representative's prior written permission.

VIII. CONSTRUCTION PROCEDURES

A. General

- 1. Construction work on CSXT property shall be subject to CSXT's inspection and approval.
- Construction work on CSXT property shall be in accord with CSXT's written outline of specific conditions and with these Special Provisions.
- 3. Contractor shall observe the terms and rules of the CSXT Safe Way manual, which Agency and Contractor shall be required to obtain from CSXT, and in accord with any other instructions furnished by CSXT or CSXT's Representative.

B. Blasting

Agency or Contractor shall not use explosives on or adjacent to CSXT property.
 If blasting is necessary, Agency and Contractor will execute an agreement for such activities satisfactory to CSXT. Agency and Contractor shall not store explosives on CSXT property.

IX. MAINTENANCE OF DITCHES ADJACENT TO CSXT TRACKS

Agency's Contractor shall maintain all ditches and drainage structures free of silt or other obstructions that may result from their operations. Agency's Contractor shall provide erosion control measures during construction and use methods that accord with applicable state standard

specifications for road and bridge construction, including either (1) silt fence; (2) hay or straw barrier; (3) berm or temporary ditches; (4) sediment basin; (5) aggregate checks; and (6) channel lining. All such maintenance and repair of damages due to Agency's Contractor's operations shall be the responsibility of Agency's Contractor.

X. FLAGGING / INSPECTION SERVICE

- A. CSXT has sole authority to determine the need for flagging required to protect its operations and property. In general, flagging protection will be required whenever Agency's Contractor or their equipment are, or are likely to be, working within fifty (50) feet of live track or other track clearances specified by CSXT, or over tracks.
- B. Agency shall reimburse CSXT in accordance with this Agreement for the costs of flagging that are on account of construction within CSXT property shown in the Plans, or that is covered by an approved plan revision, supplemental agreement or change order pursuant to this Agreement.
- C. Agency or Contractor shall give a minimum of ten (10) days advance notice to CSXT Representative for anticipated need for flagging service. No Work shall be undertaken until the flag person(s) is/are at the job site. If it is necessary for CSXT to advertise a flagging job for bid, it may take up to thirty (30) days to obtain this service, and CSXT shall not be liable for the cost of delays attributable to obtaining such service.
- D. CSXT shall have the right to assign an individual to the site of the Project to perform inspection service whenever, in the opinion of CSXT Representative, such inspection may be necessary. Agency shall reimburse CSXT for the costs incurred by CSXT for such inspection service pursuant to this Agreement. Inspection service performed by CSXT in accordance herewith shall be limited to an inspection of work performed that impacts CSXT Railroad Improvements. Inspection service shall not relieve Agency or Contractor from liability for its work.
- E. CSXT shall render invoices for the actual pay rate of the flagpersons and inspectors used, plus standard additives pursuant to this Agreement. If the rate of pay that is to be used for inspector or flagging service is changed before the work is started or during the progress of the work, whether by law or agreement between CSXT and its employees, or if the tax rates on labor are changed, bills will be rendered by CSXT using the new rates after Agency has reviewed and approved the applicable bills. Agency's Contractor shall perform its operations that require flagging protection or inspection service in such a manner and sequence that the cost of such will be as economical as possible.

XI. UTILITY FACILITIES ON CSXT PROPERTY

If necessary, Agency shall cause Agency's Contractor to arrange, upon approval from CSXT, to have any utility facilities on or over CSXT property changed as may be necessary to provide clearances for the proposed trackage.

XII. CLEAN-UP

Agency shall cause Agency's Contractor to, upon completion of the Project, remove from CSXT's property any temporary grade crossings, any temporary erosion control measures used to control drainage, all machinery, equipment, surplus materials, falsework, rubbish, or temporary

buildings belonging to Agency or Contractor. Agency shall cause its Contractor, upon completion of the Project, to leave CSXT property in neat condition, satisfactory to the CSXT Representative.

XIII. FAILURE TO COMPLY

If Agency or Contractor violate or fail to comply with any of the requirements of these Special Provisions, (a) CSXT may require Agency and/or Contractor to vacate CSXT Railroad Improvements; and (b) if such violation or failure jeopardizes the safe and efficient operation of CSXT's railroad or the CSXT Railroad Improvements, CSXT may pursue the remedies available under Section 22 of this Agreement or under applicable laws or at equity and in no event does CSXT waive any right to seek a claim against the Agency for the cost of such work.

EXHIBIT D

ESTIMATE OF COSTS OF CSXT WORK

EXHIBIT E

PAYMENT SCHEDULE

Agency shall review and either approve or disapprove (in part or in whole with any disapproval in writing) ("Agency Notice"), all invoices for Reimburseable Expenses from CSXT within 10 days of receipt thereof. Agency shall remit payment to CSXT for its Reimbursable Expenses within thirty (30) days following the delivery to DDOT of invoices for such expenses for any portion of such invoice that has been approved. CSXT shall submit invoices for Reimbursable Expenses to Agency no more often than monthly. The parties shall work together to resolve any disputes regarding any portion of an invoice set forth in the Agency Notice within 10 days after delivery to CSXT of an Agency Notice in which Agency identifies any portion of an invoice that is disapproved.

EXHIBIT F

INSURANCE REQUIREMENTS

Insurance Policies:

Agency shall cause its Contractor, to procure and maintain the following insurance policies:

- 1. Commercial General Liability coverage at the Contractor's sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured.
- 2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against CSXT and its affiliates.
- 3. Commercial automobile liability insurance with limits of not less than \$500,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSXT as an additional named insured.
- 4. Railroad protective liability insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of \$10,000,000, which insurance shall satisfy the following additional requirements:
 - a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance Insurance Services Office (ISO) Form CG 00 35.
 - b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.
 - c. Name and Address of Contractor and Agency must be shown on the Declarations page.
 - d. Description of operations must appear on the Declarations page and must match the Project description, including project or contract identification numbers.
 - e. Authorized endorsements must include the Pollution Exclusion Amendment CG 28 31, unless using form CG 00 35 version 96 and later.
 - f. Authorized endorsements may include:
 - (i). Broad Form Nuclear Exclusion IL 00 21
 - (ii) 30-day Advance Notice of Non-renewal or cancellation
 - (iii) Required State Cancellation Endorsement
 - (iv) Quick Reference or Index CL/IL 240
 - g. Authorized endorsements may not include:
 - (i) A Pollution Exclusion Endorsement except CG 28 31
 - (ii) A Punitive or Exemplary Damages Exclusion

- (iii) A "Common Policy Conditions" Endorsement
- (iv) Any endorsement that is not named in Section 4 (e) or (f) above.
- (v) Policies that contain any type of deductible
- 5. All insurance companies must be A. M. Best rated A- and Class VII or better.
- Such additional or different insurance as CSXT may require.

II. Additional Terms

1. Contractor must submit its original insurance policies and two copies and all notices and correspondence regarding the insurance policies to:

Jonathan MacArthur
Manager – Insurance
CSX Transportation, Inc.
500 Water Street - C907
Jacksonville, FL 32202
Phone: 904-359-3394
Fax: 904-366-5325
jonathan_macarthur@csx.com

2. Neither Agency nor Contractor may begin work on the Project until Agency's Contractor has received CSXT insurance broker's written approval of the required insurance policies.

<u>Project</u>: Washington, DC – Proposed construction of the remainder of the 11th Street, SE Bridges, MP CFP 112.90 to 113.6 of the RF&P Subdivision within the Baltimore Division in Washington, DC

SCHEDULE I

CONTRACTOR'S ACCEPTANCE

To and for the benefit of CSX Transportation, Inc. ("CSXT") and to induce CSXT to permit Contractor on or about CSXT's property for the purposes of performing work in accordance with this Agreement dated December 21, 2012, between DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION and CSXT, Contractor hereby agrees to abide by and perform all terms of this Agreement applicable to the Contractor, including, but not limited to Exhibits C and F to this Agreement, and Sections 3, 9 and 11 of this Agreement.

Contractor:	
By:	
By: Name:	
Title:	
Date:	

EXHIBIT B



Date:

DECEMBER 21, 2012

DISTRICT DEPARTMENT OF TRANSPORTATION PUBLIC RIGHT-OF-WAY OCCUPANCY PERMIT



Inspections/Enforcement: (202) 645-7050

Permit No.

PA-LTO-____

Permittee:	CSX TRANSPO	RTATION, INC.	F2		
Address:	DNDER VIRGIN	A AVE SE GENERA	ALLY BETWEEN 2 ND ST SE AND 12 TH ST SE, WASHINGTON, DC AS		
Addiess,	MORE PARTICULARLY SHOWN ON EXHIBIT A OF THE TERMS AND CONDITIONS ATTACHED HERETO				
hereby granted t limitation, the Te under Virginia A shown in <u>Exhibit</u> made a part hen	to CSX TRANSPO erms and Condition venue, SE general t A of the Terms an eof (collectively, th	RTATION, INC. ("CS s attached to this Pe ly from 2 nd Street, SI d Conditions as sha e "Virginia Avenue	Transportation ("DDOT" or "Department") on December 21, 2012, permission is SXT" or "Permittee"), subject to the terms of this Permit including, without ermit, to use and occupy exclusively a portion of the Public Right of Way located E to 12 th Street, SE, the location and dimensions of which are more particularly all be amended as described in the Terms and Conditions, hereunto annexed and Tunnel ROW"), where Permittee will occupy the Virginia Avenue Tunnel ROW is for railroad purposes.		
Occupancy Ti	imes and Days:	24 hours a day,	7 days a week		
Occupancy Pe	eriod:	Improvements (f through the duration of the Virginia Avenue Tunnel Reconstruction (defined in the Terms and Conditions) in the Virginia Avenue Tunnel ed for railroad purposes		
Compensation	n:	\$10.00 for exclu Occupancy Peri	usive occupancy of the Virginia Avenue Tunnel ROW during the riod		
			rms listed herein, as well as the Terms and Conditions attached to this Permit.		
		and Conditions that Conditions attached	supplement this Permit shall be allowed without prior permission from DDOT as d to this Permit.		
 The Permits attached to 		py the public right-o	of-way only to the extent as set forth in this Permit and the Terms and Conditions		
the public n	ight-of-way under i	it, the Permittee sha his Permit except fo applicable federal la	all suspend all occupancy of the public right-of-way and all activities authorized in or that occupancy and those activities authorized under other permits, DCMR, the aws.		
		a)			
NAME AND TIT	LE OF DDOT API	PROVER:	The state of the s		
50					
SIGNATURE:			DATE:		
2.2 2					

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION WASHINGTON, D.C.

TERMS AND CONDITIONS FOR THE PUBLIC RIGHT OF WAY OCCUPANCY PERMIT FOR CSX TRANSPORTATION, INC.

PREAMBLE

This Permit is being granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee").

RECITALS

WHEREAS, CSXT currently owns and operates certain railroad improvements, including without limitation, tracks and a tunnel running, in part, under Virginia Avenue, SE ("Existing Virginia Avenue Tunnel Improvements") which were largely constructed in 1905 pursuant to the Acts (defined in Article IV.D below); and

WHEREAS, because of their age, condition and 21st Century infrastructure requirements, CSXT needs to reconstruct the Existing Virginia Avenue Improvements running, in part, under Virginia Avenue, SE ("Virginia Avenue Tunnel Reconstruction Improvements");

WHEREAS, the District Department of Transportation ("DDOT" or "Department") and the United States Federal Highway Administration ("FHWA") are currently preparing an Environmental Impact Statement ("EIS") pursuant to the National Environmental Policy Act, 42 USCA § 4321 et seq. ("NEPA") to determine which, if any, of three (3) build alternatives currently described in that Draft Environmental Impact Statement dated September 7, 2012 ("DEIS"), will be an acceptable alternative for the Virginia Avenue Tunnel Reconstruction Improvements, if any; and

WHEREAS, the NEPA process will conclude with the issuance of a record of decision ("Record of Decision") which may select one of the build alternatives, if any, pursuant to which Permittee may construct the Virginia Avenue Tunnel Reconstruction Improvements or adopt the "No Build alternative" identified in the DEIS; and

WHEREAS, each of the build alternatives identified in the DEIS provides for the construction of the Virginia Avenue Tunnel Reconstruction Improvements just to the south of the Existing Virginia Avenue Tunnel Improvements; and

WHEREAS, if the Record of Decision identifies a build alternative for the construction of the Virginia Avenue Tunnel Reconstruction Improvements, Permittee shall have the right to construct the Virginia Avenue Tunnel Reconstruction Improvements including a tunnel, railroad tracks and related improvements and appurtenances in a manner set forth in the Record of Decision; and

WHEREAS, pursuant to D.C. Official Code §§ 9-101.01 et seq., the Government of the District of Columbia ("the District" or "DC") has jurisdiction and control over the streets and public right of way of the District of Columbia; and

WHEREAS, D.C. Official Code §§ 10-1141.01 et seq., 50-921.05 and 50-921.06 authorizes the Department to establish the terms and conditions ("Terms and Conditions") of a Permit for the Virginia Avenue Tunnel ROW (defined below).

NOW, THEREFORE, based upon the above recitals, Permittee hereby agrees to the Terms and Conditions of this Permit as follows:

ARTICLE I Responsibilities and Rights of DDOT and Location of Virginia Avenue Tunnel ROW

- A. Department hereby grants unto Permittee from the date hereof through the duration of the Virginia Avenue Tunnel Reconstruction Improvements the right to occupy and use exclusively the Virginia Avenue Tunnel Right of Way, the location and dimensions of which are substantially as shown in Exhibit A ("Virginia Avenue Tunnel ROW"), for the Virginia Avenue Tunnel Reconstruction Improvements for railroad purposes.
- As of the date hereof, Exhibit A generally identifies the Virginia Avenue B. Tunnel ROW as the area covered by all three build alternatives identified in the DEIS. CSXT shall only be allowed to construct the Virginia Avenue Tunnel Reconstruction Improvements in the location identified in the Record of Decision, if any. Therefore, upon completion of the Virginia Avenue Tunnel Reconstruction Improvements in accordance with the Record of Decision, this Permit shall be automatically and without further action amended to reduce the Virginia Avenue Tunnel ROW shown on Exhibit A to reflect the as-built location of the Virginia Avenue Tunnel Reconstruction Improvements. Within thirty (30) days of the Virginia Avenue Tunnel Reconstruction Improvements being constructed, CSXT shall submit to DDOT an amendment to this Permit to replace Exhibit A with a revised Exhibit A that identifies the revised Virginia Avenue Tunnel ROW based on the actual location of the Virginia Avenue Tunnel Reconstruction Improvements consistent with the Record of Decision and the foregoing provisions of this Article I.B.
- C. Department and CSXT shall cooperate to coordinate CSXT's access to public right of way outside of the Virginia Avenue Tunnel ROW for the operation, maintenance, and safety of the Virginia Avenue Tunnel. Department and CSXT shall cooperate to coordinate Department's activities in the portion of the public right of way proximate to the Virginia Avenue Tunnel ROW to avoid adverse impact on the operation, maintenance, and safety of the Virginia Avenue Tunnel.

ARTICLE II Responsibilities and Rights of CSXT

- A. Permittee shall occupy the Virginia Avenue Tunnel ROW with the Virginia Avenue Tunnel Reconstruction Improvements for railroad purposes. Permittee shall use the Virginia Avenue Tunnel ROW for the purposes aforesaid and for no other purpose.
- B. Permittee shall pay \$10 for this Permit.
- C. Nothing in this Permit shall relieve Permittee of its obligation to obtain any and all other required permits and licenses from other agencies of the District of Columbia, if any, to operate the Railroad Improvements, in the Virginia Avenue Tunnel ROW, or to comply with federal and local laws applicable to Permittee's operations in the Virginia Avenue Tunnel ROW during the term of this Permit.
- D. Permittee shall be solely responsible for and bear all costs related to Permittee's use of and operations in the Virginia Avenue Tunnel ROW.
- E. If any provision of this Permit, or the application thereof to any person or circumstances, shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Permit and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforceable to the fullest extent permitted by law.
- F. Notwithstanding anything contained in this Permit to the contrary, Permittee shall assume sole responsibility for and shall indemnify, save harmless, and defend the District from and against all claims, actions, or legal proceedings arising, in part or in whole, by Permittee's use and occupation of the Virginia Avenue Tunnel ROW.
- G. Permittee shall maintain at all times commercial general liability insurance policies in commercially reasonable amounts for the Virginia Avenue Tunnel ROW and shall name the District as an additional insured thereunder. Notwithstanding the foregoing, DDOT recognizes that CSXT self-insures and need not obtain separate insurance or otherwise satisfy the previous sentence so long as CSXT continues to self-insure.

ARTICLE III Key Officials and Contact Persons

All notices, requests, modifications, and other communications shall be in writing and shall be personally delivered or mailed via first class mail, delivered by overnight courier, or emailed to the addresses below:

A. For DDOT

B. For CSXT

KEY OFFICIAL

Terry Bellamy
Director
DDOT
55 M St SE – 5th Floor
Washington DC 20003
202-671-2740 (office)
Terry.Bellamy@dc.gov

KEY OFFICIAL

Louis Renjel VP Strategic Infrastructure CSXT Transportation, Inc. 500 Water Street Jacksonville FL 32202 Phone (904) 359-3770 Louis Renjel@csx.com

CONTACT PERSON

Matthew Marcou
Deputy Associate Director
DDOT/PSRA
55 M St SE – 5th Floor
Washington DC 20003
202-478-1448 (office)
Matthew.Marcou@dc.gov

CONTACT PERSON

Stephen Flippin CSXT Transportation, Inc. 1331 Pennsylvania Ave NW # 560 Washington DC 20004 Phone (202) 626-4931 Stephen_Flippin@csx.com

CSXT and DDOT may change the persons, addresses, and numbers for receipt of notices, requests, modifications and other communications by providing written notice to the applicable Key Official and Contact Person at the last noticed address.

ARTICLE IV Term of Permit, Modification, Termination

- A. The Permit shall be effective on December 21, 2012, and shall remain in effect for the duration of the Virginia Avenue Tunnel Reconstruction Improvements in the Virginia Avenue Tunnel ROW being used for railroad purposes.
- B. Notwithstanding the foregoing Article IV.A or any other provision in this Permit to the contrary, if the Record of Decision (defined above) selects the "no build alternative" for the Virginia Avenue Tunnel Reconstruction Improvements, this Permit shall terminate and be of no further force and effect.
- C. The following shall be the process for the termination of the Permit:
 - 1. The Permit shall terminate only upon written consent executed by Permittee and Department; or
 - 2. Department shall have the right to terminate and revoke the Permit in the event of a major casualty to the Virginia Avenue Tunnel Reconstruction Improvements which damages the Virginia Avenue Tunnel Reconstruction Improvements and materially and adversely impacts (a) the physical structure and stability of the Virginia Avenue Tunnel ROW or, (b) the immediate health, safety, or welfare of the

public using Virginia Avenue, SE. Such right to terminate is subject to the right of the Permittee to cure and may be exercised by Department only if Permittee fails to remove or correct the condition that created the impact on the health, safety, or welfare of the public using Virginia Avenue, SE within a reasonable time or to commence to rebuild the Virginia Avenue Tunnel Reconstruction Improvements as approved by this Permit or as permitted by law, which shall be evidenced by the submission of an application for a building permit within one (1) year after the occurrence of the major casualty, subject to further extension due to force majeure and the application of District or federal law. If Permittee fails to comply with the requirements of this Article IV.C.2, Department may give notice of termination and revoke the Permit by the giving of thirty (30) days prior notice thereof to Permittee.

DDOT and CSXT shall retain each of their respective rights under and D. expressly reserve and do not waive any rights or remedies under applicable federal laws and acts including Ch. 29, 78 Acts of Congress (February 5, 1867) (the "1867 Act"), 16 Stat 3 (March 18, 1869) (the "1869 Act"), 16 Stat 78 (March 25, 1870) (the "1870 Act"), 31 Stat 767 (February 12, 1901) (the "1901 Act" and collectively with the 1867 Act, 1869 Act and 1870 Act, the "Acts"), Section 10501(b) of the federal Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10501(b) and Section 20106 of the Federal Railroad Safety Act, 49 U.S.C. § 20106, all of which are expressly preserved and not waived. In furtherance of the foregoing, the parties hereto recognize that the Virginia Avenue Tunnel Reconstruction Improvements are integrally related to interstate rail commerce and railroad operations. This Permit shall not affect either of DDOT or CSXT's rights pursuant to the foregoing nor is this Permit intended to convey title or provide proof of ownership of the public right of way by Permittee.

ARTICLE V Required and Standard Clauses

- A. Assignment. CSXT may transfer or assign the Permit in connection with a transfer or assignment of the railroad operations conducted in the Virginia Avenue Tunnel ROW.
- B. Confidential Information. Department and Permittee will use, restrict, safeguard and dispose of all information related to the Permit and these Terms and Conditions, in accordance with all relevant federal and local statutes, regulations, and policies.
- C. Recitals. The Recitals are incorporated by reference.

Signatures on Following Page

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below.

CSX TRANSPORTATION, INC.

By:

Name: Peter J. Shudtz

Title: Vice-President and General Counsel

DISTRICT OF COLUMBIA, by the District Department of Transportation

By:

Vame: Terry Bellamy

Title: Director

EXHIBIT A

[Depiction of Public Right of Way under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE used for CSXT's Virginia Avenue Tunnel Reconstruction Improvements]

$\frac{AMENDMENT\ NO.\ 1}{\underline{TO}}$ TERM SHEET AGREEMENT

This Amendment No. 1 ("Amendment No. 1") to the Term Sheet Agreement (dated December 21, 2012), is entered into as of the 21" day of October, 2013, by and between CSX Transportation, Inc. ("CSXT") and the District of Columbia, acting by and through the Department of Transportation ("DDOT") pursuant to D.C. Official Code §§ 50-921.02, 50-921.04(1)(B), 50-921.04(4)(A), 50-921.05 (2013), by and through the undersigned, to further describe the Virginia Avenue Tunnel Project ("VAT Project") and Shepherds Branch project described in Sections 4 and 6(a)(v), respectively, of the Term Sheet Agreement.

I. VIRGINIA AVENUE TUNNEL PROJECT

- A. Waiver of Public Inconvenience Fee. Pursuant to D.C. Mun. Regs. Tit. 24, § 225.9(c) (2013), DDOT agrees to grant a waiver of the public inconvenience fee ("PIF") to CSXT for the Limits of Disturbance ("LOD") associated with the Construction Public Space Permit on Virginia Avenue, SE between 2nd and 4th Streets, SE and between 8th and 9th Streets, SE (all as shown in Exhibit A), which is a local street according to DDOT's records and whose temporary closing will not prohibit vehicular or pedestrian access to any private property.
- B. Payment of Public Inconvenience Fee. CSXT shall pay the PIF for the Construction Public Space Permit for the VAT Project associated with the LOD that extend outside of the area described above in Section I(A), if and as applicable.

II. SHEPHERDS BRANCH

A. Grant of Temporary Access Permit.

- CSXT and DDOT are, contemporaneously with this Amendment No. 1, executing a permit ("CSXT Permit") in the form attached hereto as Exhibit B for DDOT's immediate access to CSXT's Shepherds Branch Right of Way, as described therein ("SB ROW").
- 2. If DDOT desires to make improvements to the SB ROW or any portion thereof during the terms of the CSXT Permit, DDOT and CSXT shall enter into good faith negotiations regarding the same.

B. Acquisition of the SB ROW.

1. DDOT shall have a one (1) time option (the "Option") to acquire the SB ROW for transportation purposes and/or trail use through the National Trails System Act in accordance with terms and conditions that may be agreed upon by CSXT and DDOT. Any sale of Property Segment 2 (as defined in the CSXT

Permit) shall be subject to any required approvals from the party with the requisite authority over Bolling AFM (Joint Base Anacostia-Bolling) military facility, if applicable.

- DDOT may exercise the Option by notifying CSXT in writing ("Offer 2. Notice") no later than the expiration or termination of the CSXT Permit that DDOT desires to exercise the Option. The Offer Notice shall include a proposed price for the SB ROW based on an appraisal obtained by DDOT based on assumptions and scope agreed to by CSXT and DDOT prior to the appraisal being undertaken to the extent permitted by applicable law and DDOT's Right of Way Manual ("ROW Manual"). Upon CSXT's receipt of the Offer Notice, the parties shall use commercially reasonable efforts and negotiate in good faith to reach agreement on mutually agreeable terms for DDOT's acquisition of the SB ROW to the extent permitted by applicable law and the ROW Manual. For purposes of clarification, CSXT shall not be obligated to agree to the purchase price proposed by DDOT (whether based on the appraisal described above or not) or to convey the SB ROW, and DDOT shall not be obligated to acquire the SB ROW, unless and until the parties have reached terms for such transaction agreeable to each party in its sole discretion. DDOT's Option right shall terminate, if timely exercised, if conveyance of the SB ROW has not taken place within one year after the date DDOT delivers the Offer Notice to CSXT or such other time upon which the parties mutually agree.
- 3. To the extent required for the acquisition of the SB ROW, in connection with the exercise by DDOT of the Option, CSXT shall use commercially reasonable efforts to obtain STB Approval (defined below) and such conveyance shall be subject to STB's Public Use or Trails Conditions, if applicable.
- 4. To the extent required for acquisition of the SB ROW, DDOT shall use commercially reasonable efforts to obtain approvals from the Federal Transit Authority, Federal Highway Administration, D.C. Council, or other oversight entity, as applicable.
- 5. To the extent permitted by the National Environmental Policy Act ("<u>NEPA</u>") and DDOT's ROW Manual, either party shall have the right to disclose the existence of the Option.
- 6. DDOT acknowledges that CSXT previously provided DDOT with copies of the restrictive covenants that CSXT customarily requires to be recorded with any documents transferring title in real property by CSXT to a third party and expects that such covenants, subject to the outcome of certain environmental testing of the SB ROW being undertaken by DDOT pursuant to the CSXT Permit, would be recorded against the SB ROW if CSXT conveys the same to DDOT pursuant to the Option.

- Closing under the Option shall not occur unless the following conditions 7. has been satisfied, the same being a precondition to CSXT's obligation to convey the SB ROW to DDOT: (i) CSXT shall have received a final non-appealable order from the Surface Transportation Board ("STB") approving CSXT's abandonment and/or trails use through the National Trails System Act of the SB ROW and/or the entire Shepherds Branch rail line, as applicable, or such other approval from STB with respect to the transaction, as is mutually acceptable to the parties ("STB Approval"); and (ii) CSXT shall have obtained from the District of Columbia the necessary permits and approvals needed from any agency of the District of Columbia to commence and construct the VAT Project in accordance with the build alternative, if any, determined to be the acceptable alternative pursuant to the Record of Decision issued in connection with the Environmental Impact Statement being undertaken pursuant to NEPA as of the date hereof. Notwithstanding the foregoing, such permits shall be obtained only after submission of appropriate applications and compliance with all applicable ordinances, regulations and statutes associated therewith.
- 8. CSXT and the CA have agreed to address the following matters as soon as possible, but in all events on or before closing under the Option: (i) Permits and approvals (other than the Construction Public Space Permit) for construction of the Virginia Avenue Tunnel Project; (ii) First Source and CBE agreements. The CA is joining this Amendment No. 1 only as pertains to this Section II(B)(8).

III. OTHER

- A. <u>Capitalized Terms</u>. Capitalized terms used but not defined in this Amendment No. 1 shall have the same meaning as defined in the Term Sheet Agreement.
- B. <u>Full Force and Effect</u>. Except as modified by this Amendment No. 1, the Term Sheet Agreement remains in full force and effect in accordance with its terms.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 as of the date first written above.

> DISTRICT OF COLUMBIA, by and through the District Department of Transportation

Name: Torry Bellamy

Title: Director

CSX TRANSPORTATION, INC.

Title: Vice-President

AGREED - ONLY AS TO SECTION II(B)(8):

DISTRICT OF COLUMBIA, by and through the Office

Of the City Administrator

By:

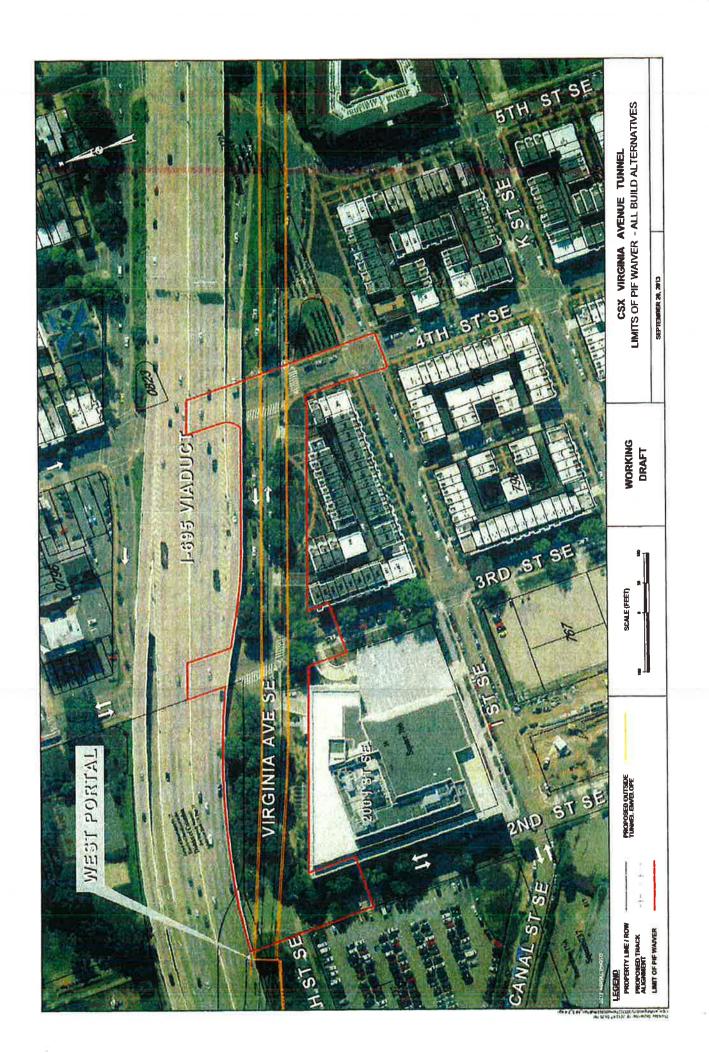
Name: Allen Y. Lew

Title: City Administrator

EXHIBIT A

Limits of Disturbance - VAT Project

[Attached]



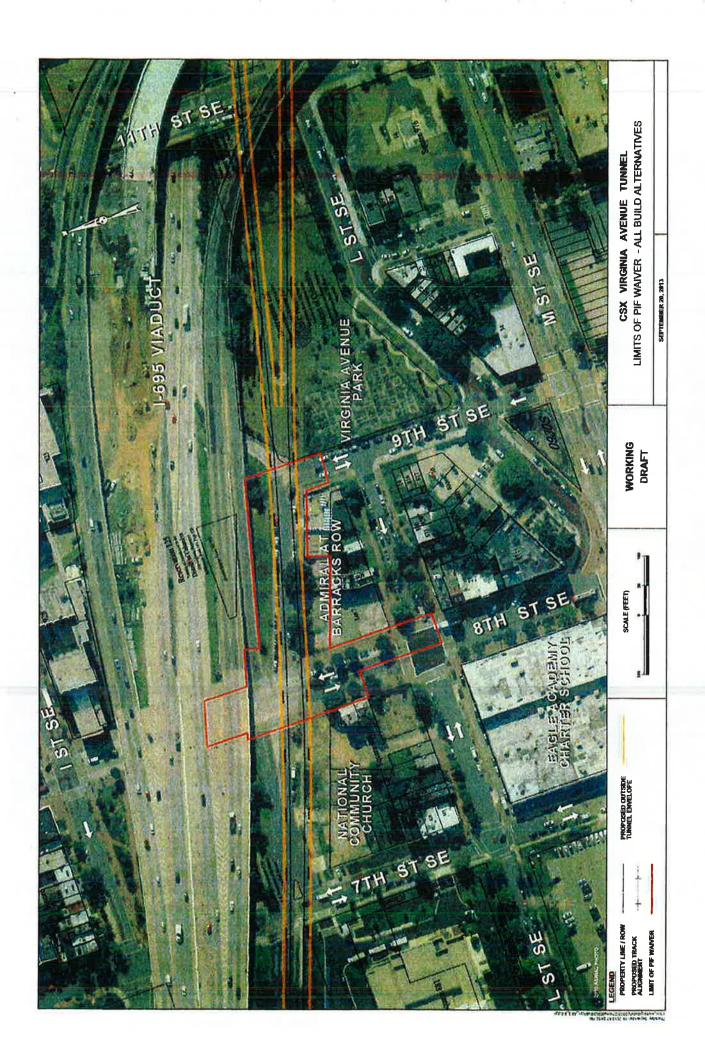


EXHIBIT B

Form of CSXT Permit

PERMIT

THIS PERMIT (the "Permit"), made and effective as of October __, 2013 ("Effective Date"), by and between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "CSX," and the DISTRICT OF COLUMBIA, a municipal corporation, acting by and through the District of Columbia Department of Transportation, whose mailing address is 55 M Street SE, Suite 400, Washington, DC 20003, hereinafter called "DDOT" pursuant to DC Code Sections 50-92.1.04 and 50-921.05.

WITNESSETH: That, for and in consideration of the covenants and agreements herein to be kept and performed by DDOT, CSX hereby permits DDOT solely for the purpose herein expressed, the right to conduct certain activities described further herein on a portion of certain land and/or improved property commonly known as Shepherds Branch, located at or near Anacostia, District of Columbia, as shown on Exhibit A-1 attached hereto and as partly shown on Exhibit A-2 attached hereto, and described as follows:

Those portions of CSX's Shepherds Branch rail corridor, consisting of: (i) a strip of land, varying in width, running for approximately 3.32 miles, commencing at Milepost BAZ-0.38, being a point located 400-feet north of the northern right of way line of G Street SE, and extending in a generally southwesterly direction to Milepost BAZ-3.70, being the point just before the Shepherds Branch enters Bolling AFM (Joint Base Anacostia-Bolling) military facility; containing approximately 28.5 acres, more or less ("Property Segment 1"); and (ii) a strip of land, varying in width, running for approximately 2.06 miles, commencing at Milepost BAZ-3.70, being the approximate location of the gate at the northeast edge of the Bolling AFM (Joint Base Anacostia-Bolling) military facility and extending in a generally southwesterly direction to Milepost BAZ-5.76, being generally the north side of Perimeter North Rd SW and the terminal end of the Shepherds Branch; containing approximately 18.5 acres, more or less ("Property Segment 2," and together with Property Segment 1, the "Property").

The foregoing description and Exhibits A-1 and A-2 are not intended to characterize either party's title to any particular real estate.

1. **USE**:

1.1 DDOT shall use the Property solely for the purpose of (i) conducting environmental testing of the Property strictly in accordance with Article 18 below and (ii) undertaking title and survey work for and appraisals of the Property and geotechnical studies of the Property; provided, however, DDOT shall not undertake any geotechnical studies without CSX's prior written approval. DDOT shall not use the Property for any other purpose other than those explicitly permitted in this Section 1.1 without the prior written consent of CSX, and all such use shall be in accordance with the terms and conditions set forth herein.

- 1.2 CSX is permitting DDOT to use the Property in its "AS-IS" condition without any representations or warranties as to the condition of the Property. This Permit shall not give rise to any right, title or interest in DDOT in or to the real property that makes up the Property.
- DDOT shall not carry on, or permit to be carried on, any business or activity on the Property that interferes with CSX's interest in the Property or its railroad operations in the District of Columbia, or which may be considered a nuisance, public or private. DDOT shall maintain or cause to be maintained (i) those portions of the Property identified on Exhibit E hereto and (ii) any additional portions of the Property DDOT or its contractors use or enter onto in connection with this Permit, in a neat and clean condition (including, without limitation, proper mowing if applicable and the regular removal of any trash and debris). DDOT shall include a maintenance plan in the Proposed Plan (as defined in Exhibit D) for the portions of the Property it plans to utilize for the activities described in Section 1.1. All work by DDOT or DDOT's contractor(s) pursuant to this Permit shall be performed in good and workmanlike manner and in compliance with all Applicable Laws (defined below). At no cost or expense to CSX, DDOT shall obtain all permits and approvals required by any federal, state, or local governments or governmental agencies for any activities DDOT plans to undertake on the Property, copies of which DDOT shall provide CSX before DDOT undertakes or allows to be undertaken any such activity. In furtherance of the foregoing, DDOT may not commence any use of Property Segment 2 unless and until DDOT has obtained in writing and delivered to CSX any required approvals from the party with the requisite authority over Bolling AFM (Joint Base Anacostia-Bolling) military facility, allowing such use.
- 2. COSTS: CSX shall not be responsible for any costs, liability or damages incurred by DDOT or CSX or either of their agents, employees or contractors related to or in connection with DDOT's use of the Property, except to the extent such costs, liability or damages arise from CSX's, or its agents', employees', or contractors', negligence or wrongful misconduct. DDOT shall be solely responsible for any acts taken by or on behalf of DDOT on the Property in connection with this Permit.
- 3. **TERM:** This Permit shall become effective and commence on the Effective Date, and shall continue in effect for twelve (12) months (the "<u>Term</u>"), unless earlier terminated in accordance with the terms of this Permit. DDOT shall have the right to extend the term for two (2) six (6)-month extensions by notice to CSX delivered in writing no later than thirty (30) days before the then applicable expiration of the Term.
- 4. IMPROVEMENTS: DDOT shall not (i) make or construct, or permit to be made or constructed, any building, structure, improvements, installations, or alterations on or to the Property ("Improvements"), (ii) make any changes to the Property or (iii) remove any improvements from the Property, except those Improvements, changes or removals approved in advance in writing by CSX.
- 5. APPLICABLE LAWS: The parties shall comply with all federal, state, and local laws, statutes, codes, ordinances, rules, and regulations (including, without limitation, regulations and orders of the Surface Transportation Board) (collectively, "Applicable Laws"). Nothing in this

Permit shall be deemed to require either party to proceed in any manner that is inconsistent with the dictates of applicable federal or District law. If any term or provision of this Permit is held to be invalid or illegal, such term or provision shall not affect the validity or enforceability of the remaining terms and provisions of this Permit. Meeting the terms of this Permit shall not excuse any failure of the parties to comply with all applicable laws, regulations, and rules, whether or not these laws, regulations, and rules are specifically listed in this Permit. DDOT shall promptly cause its contractors to cure any violation of Applicable Laws on or about the Property caused by DDOT, its employees or contractors.

- INSPECTION: Notwithstanding anything to the contrary contained herein, CSX 6. reserves the right and privilege (but shall not have any duty to), through any of its officers, agents, servants, or employees, or its designated contractor, at any reasonable time to: (i) enter upon and inspect the Property; and (ii) if the Property is in a state of disrepair due to DDOT's use of the Property and CSX has provided written notice to DDOT of the need to repair the Property, and DDOT has failed to repair the Property to the condition existing as of the Effective Date after thirty (30) days from the receipt of such notice or such additional time, up to sixty (60) days, as may be reasonably required to repair the same so long as DDOT commenced such repair within such thirty (30)-day period and diligently pursues such repair thereafter, or in the case of an emergency immediately repair the same, all at no cost or expense to CSX. CSX shall have the right to claim compensatory damages from DDOT in the amount of such reasonable costs and expenses actually incurred by CSX. For the purposes of this Section, the Property shall not be deemed to be in a state of disrepair during the term of this Permit if the conditions existing on the Property are a result of ongoing activity of the uses permitted under Section 1.1, provided such condition is a typical consequence of such ongoing activity; and provided further that DDOT shall restore the Property in accordance with Section 13 hereof upon the expiration or earlier termination of the Permit. .
- 7. NO CSX OBLIGATIONS: Notwithstanding anything to the contrary contained herein, CSX shall have no obligation during the Term to: (i) repair or maintain the Property, (ii) provide any utilities or any other services to DDOT with respect to the Property, or (iii) undertake any environmental remediation of the Property, except as otherwise explicitly set forth herein. DDOT shall contract directly with any utility company for utility services for the Property if needed.
- 8. LIENS: Neither DDOT nor any party acting by or on behalf of DDOT shall create a lien upon the Property or any interest or portion thereof, including, but not limited to, any mechanic's lien. If any lien is placed against the Property as a result of or in connection with DDOT's acts or omissions or those of DDOT's contractors, DDOT shall cause the same to be removed or otherwise bonded over within ten (10) days after receipt of notice therefor.

9. RISK, LIABILITY:

9.1 DDOT shall cause its contractors to indemnify, defend, and hold CSX and CSX's affiliates harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect,

consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSX, CSX's affiliates, DDOT or DDOT's contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSX, CSX's affiliates, DDOT or DDOT's contractors, and environmental damages and any related remediation brought or recovered against CSX and CSX's affiliates), arising from the negligence, recklessness or intentional wrongful misconduct of the contractor or contractor's respective agents, employees, invitees, subcontractors, or DDOT's agents or employees in the performance of work on the Property or activities incidental thereto, or from their presence on or about the Property. The foregoing indemnification obligation shall not be limited to the insurance coverage required by this Permit, except to the extent required by law.

- harmless from and against all claims, demands, payments, suits, actions, judgments, settlements, and damages of every nature, degree, and kind (including direct, indirect, consequential, incidental, and punitive damages), for any injury to or death to any person(s) (including, but not limited to the employees of CSXT, CSXT's affiliates, DDOT or DDOT's contractors), for the loss of or damage to any property whatsoever (including but not limited to property owned by or in the care, custody, or control of CSXT, CSXT's affiliates, DDOT or DDOT's contractors, and environmental damages and any related remediation brought or recovered against DDOT), arising directly or indirectly from the negligence, recklessness or intentional wrongful misconduct of CSXT and CSXT's respective agents, employees, invitees, contractors, subcontractors, or CSXT's affiliates' agents, employees or invitees in the performance of work in connection with the Property or activities incidental thereto, or from their presence on or about the Property.
- 10. NOTICE, CONSENT: Any notices given and submissions made under this Permit shall be in writing and delivered by certified mail, return receipt requested, postage pre-paid, by hand, or by reputable private overnight commercial courier service, to the parties at the addresses set forth on Exhibit B.

11. HAZARDOUS MATERIALS:

the Property. At no time during the term of this Permit shall DDOT maintain, treat, dispose of, store or have on the Property, or permit any other party to have, maintain, treat, dispose of, or store on the Property, any material which is classified under the Environmental Laws, as a hazardous substance or hazardous waste and/or which requires a permit for the storage, treatment, disposal, handling or maintenance thereof from any government authority (collectively, "Hazardous Materials"), except to the extent such Hazardous Materials result from DDOT's activities on the Property in accordance with the use permitted under Section 1.1 and in accordance with Environmental Laws and provided that DDOT removes or causes the removal of such Hazardous Materials on or before the expiration or earlier termination of this Permit. To the extent not prohibited by Applicable Law, DDOT shall cause its contractors to be solely responsible for any and all costs, expenses, liabilities, demands, claims, causes of action at law or

in equity whatsoever arising from any treatment, disposal, storage, maintenance or handling of any Hazardous Materials on the Property, including, but not limited to, the cost of clean-up, defense and reasonable attorneys' fees; provided, however, that DDOT's contractors shall not be responsible for any such costs resulting solely from Hazardous Materials located on or under the Property before DDOT commences activities thereon (and that are not modified or affected by DDOT's activities on the Property).

- 11.2 "Environmental Laws" shall mean, collectively, all local and federal laws relating to the use, storage, handling, disposal, or treatment of any Hazardous Materials including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. SECTION 9601 et seq. ("CERCLA"), the Resource Conservation and Recovery Act of 1976, 42 U.S.C. SECTION 6901 et seq., the Federal Water Pollution Control Act, 33 U.S.C. SECTION 1251 et seq., the Hazardous Materials Transportation Act, 49 U.S.C. SECTION 1801 et seq., and the regulations promulgated pursuant to and such laws, all as amended.
- 12. INSURANCE: DDOT shall require any contractor performing work on or entering onto the Property to purchase and maintain insurance in compliance with CSX's insurance requirements attached to this Permit as Exhibit C. No contractor shall enter onto the Property until such policy or policies have been submitted to and approved by CSX's Risk Management Department. The provisions of this Section shall survive the termination or expiration of this Permit.
- 13. CONDITION OF THE PROPERTY ON TERMINATION OR EXPIRATION: At the expiration or earlier termination of this Permit, DDOT shall vacate the Property, and, at no cost and expense to CSX, shall return the Property to CSX restored to the extent of any changes made by or on behalf of DDOT or otherwise, or to such lesser condition as the parties mutually agree. If DDOT fails to timely return the Property to CSX in the condition required by this Section the same shall constitute a default by DDOT and CSX shall have all remedies available to it at equity or in law. Notwithstanding the foregoing, CSX, shall also have the right, at CSX's election, to restore the Property to the condition aforesaid and, except to the extent prohibited by Applicable Law, may claim compensatory damages in the amount of the reasonable cost actually incurred by CSX thereof.
- 14. LIMITS ON TRANSFER OR ASSIGNMENT: DDOT shall not transfer or assign this Permit or any part of the Property or any rights and privileges herein permitted without the prior written consent of CSX; provided, however, DDOT shall have the right to have its contractors enter onto the Property to undertake the activities set forth in Section 1.1 subject to and in accordance with the terms and conditions of this Permit.

15. **DEFAULT:**

15.1 Any dispute arising out of or relating to this Permit first shall be submitted to the Executive Committee for review and decision. The Executive Committee shall consist of DDOT's Director, DDOT's Chief Engineer, CSX's Vice President -- Strategic Infrastructure and

CSX's Assistant Chief Engineer -- Project Management, or their authorized designees. Such dispute shall be deemed to be resolved by the Executive Committee if said Executive Committee unanimously arrives at a single determination within thirty (30) days after a dispute is submitted to the Executive Committee.

- 15.2 DDOT and CSX each shall retain the right, after making a good faith effort to expeditiously resolve the dispute pursuant to the terms of <u>Section 15.1</u>, to pursue any actions and/or remedies available at law or in equity.
- 15.3 Notwithstanding anything to the contrary herein, if DDOT is in default after notice and a 15 day cure period thereafter (or such shorter time in the event of danger to health or safety of anyone), of any of its obligations hereunder, CSX shall have the right to terminate this Permit.
- 16. WAIVER: If either party fails to enforce its respective rights under this Permit, or fails to insist upon the performance of the other party's obligations hereunder such failure shall not be construed as a permanent waiver of any rights or obligations in this Permit.

17. MISCELLANEOUS:

- 17.1 This Permit shall be governed by the laws of the District of Columbia (and applicable Federal laws), exclusive of its choice of laws rules. The parties further agree that the venue of all legal and equitable proceedings related to disputes under this Permit shall be situated in Washington, D.C. and the parties agree to submit to the personal jurisdiction of any State or Federal court situated in Washington, D.C.
- 17.2 This Permit may be executed in any number of counterparts which, when taken together, shall constitute a single binding instrument. Execution and delivery of this Permit by PDF shall be sufficient for all purposes and shall be binding on any person who so executes.
- 17.3 The provisions of this Permit may not be modified in any way except by written agreement signed by both parties.
- 17.4 The parties acknowledge and agree that DDOT's obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this Permit, or any subsequent agreement entered into by the parties pursuant to this Permit, are and shall remain subject to the provisions of (i) the federal Anti-Deficiency Act, 31 U.S.C. §§1341, 1342, 1349, 1351, (ii) the District of Columbia Anti-Deficiency Act, D.C. Official Code §§ 47-355.01-355.08 (2001), (iii) D.C. Official Code § 47-105 (2001), and (iv) D.C. Official Code § 1-204.46 (2006 Supp.), as the foregoing statutes may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.
- 18. ENVIRONMENTAL TESTING: During the Term of the Permit, DDOT shall have the right to conduct a Phase I Environmental Assessment of the Property, and if recommended in the Phase I report and approved by CSX, a Phase II Environmental Assessment of the Property

("Environmental Testing"); provided that any such Environmental Testing may not commence until: (i) DDOT shall have received all necessary permits needed to undertake such Environmental Testing and shall have complied with CSX's environmental protocols ("Environmental Protocols"), as set forth on Exhibit D attached hereto; and (ii) CSX shall have provided written notice to DDOT confirming DDOT's compliance with such Environmental Protocols, where such notice by CSX shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have caused this Permit to be executed as of the date first written above.

CSX TRANSPORTATION, INC.,

a Virginia corporation

By:

Title: VICE PRESIDENT FEDERAL REGULATION

- ANDGENERAL

DISTRICT OF COLUMBIA,

acting by and through the District of Columbia Department of Transportation

Name: TERRY

Title: Director

EXHIBIT A-1

Attached

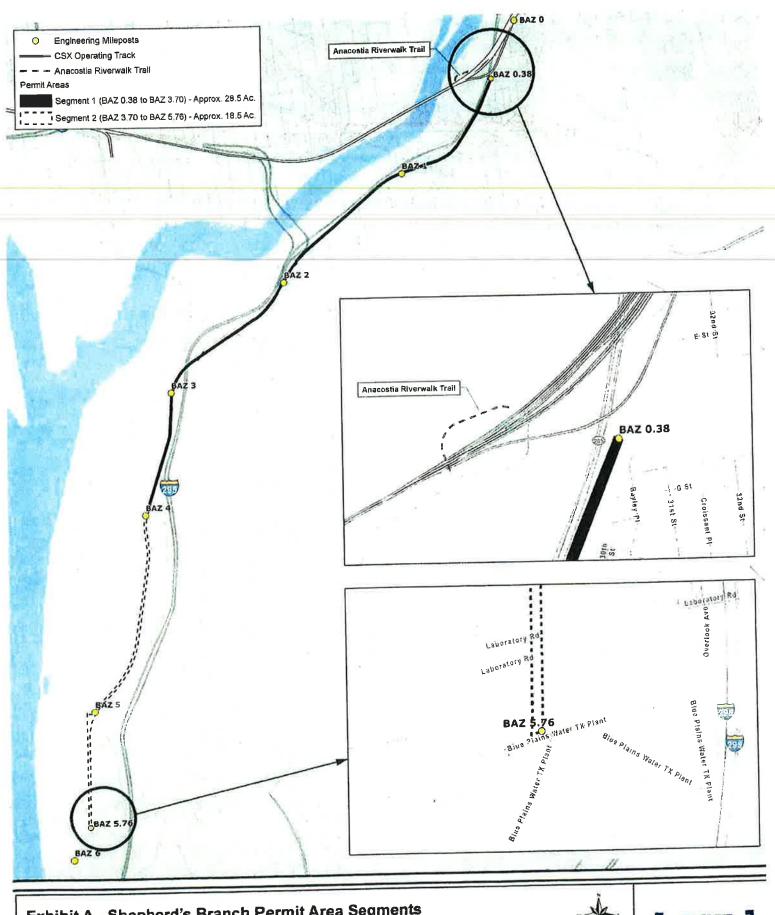


Exhibit A - Shepherd's Branch Permit Area Segments

Site: DC-001-0996735 Washington, D.C. Baltimore Division - Capital Subdivision Milepost BAZ 0.38 to BAZ 5.76

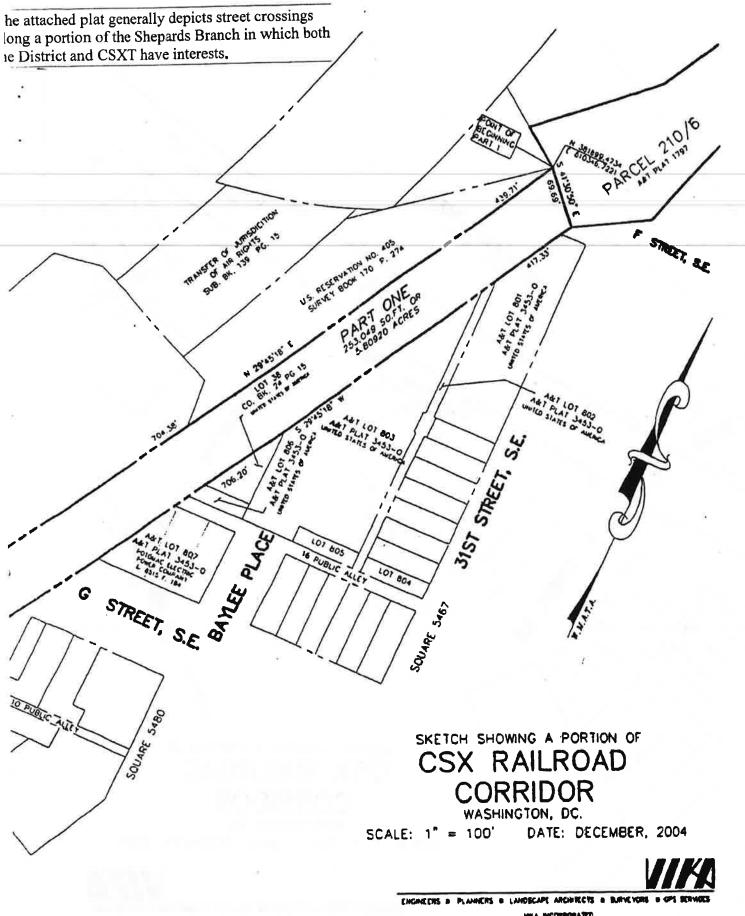


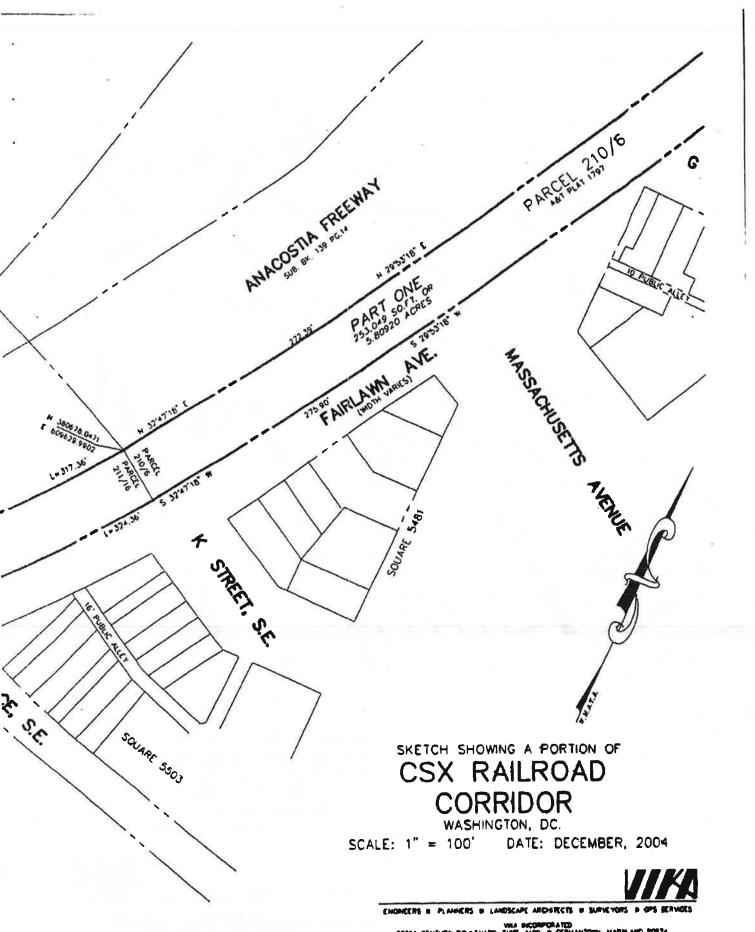


EXHIBIT A-2

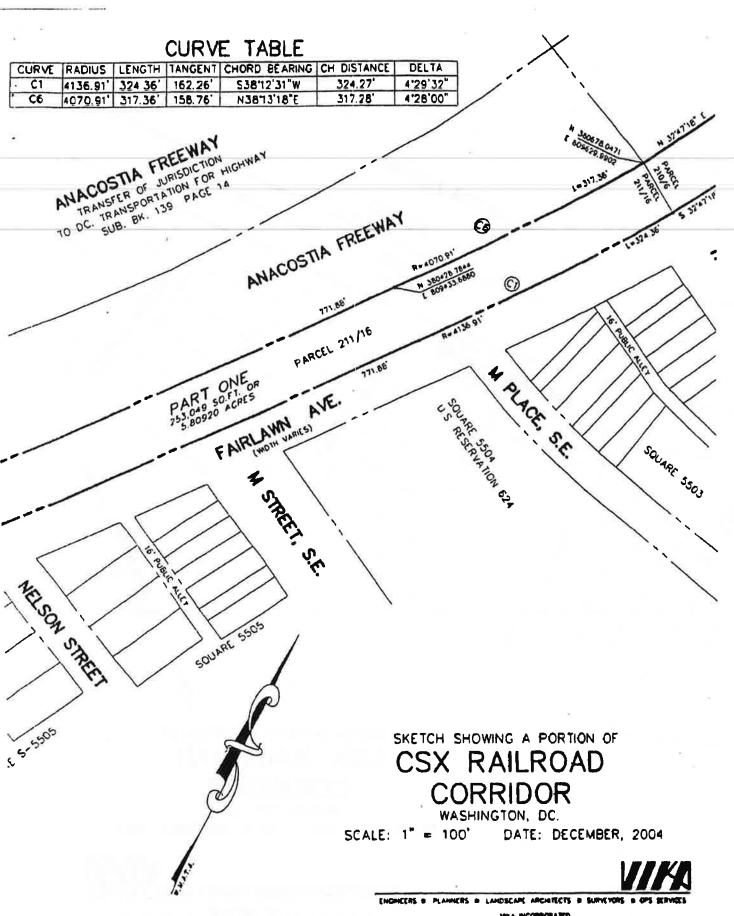
Attached

The attached plat generally depicts street crossings along a portion of the Shepherds Branch in which both the District and CSXT have interests.

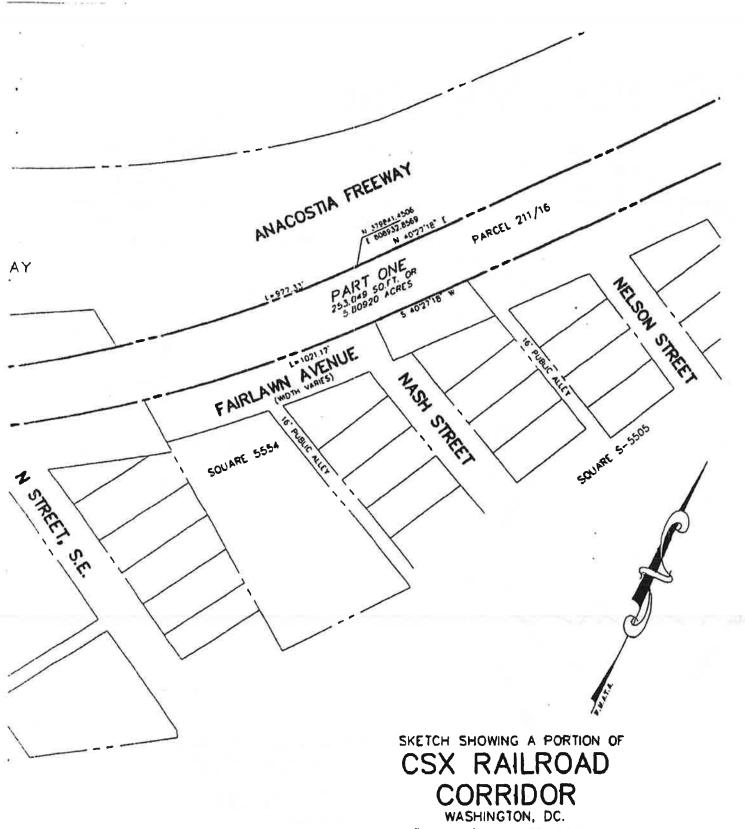




VMA DECORPORATED
20251 CENTURY BOLELVARD-SURE AND 9-CEMANITORN, MARILAND 20874
(301) 916-4100 @ FAR (301) 916-2982
OCEMANITORN, MD. MCLEAN, VA. SHEET 2 OF 27



20251 CENTURY BOULEVARD-SARE #400 B GERMANIONN, MARYLAND 20874
(301) B16-4100 B FAB (301) B16-2062
(GERMANIONN, MD. MOLEM, VA. SHEET 3 OF 27



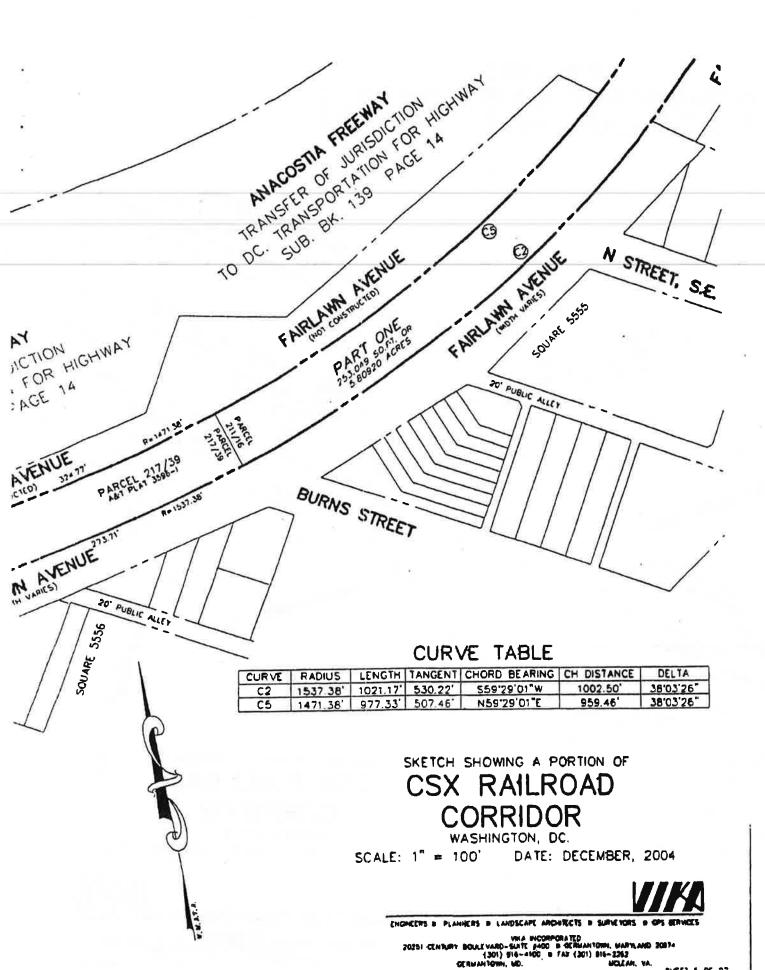
SCALE: 1" = 100'

DATE: DECEMBER, 2004



ENGINEERS & PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & OPS SERVICES

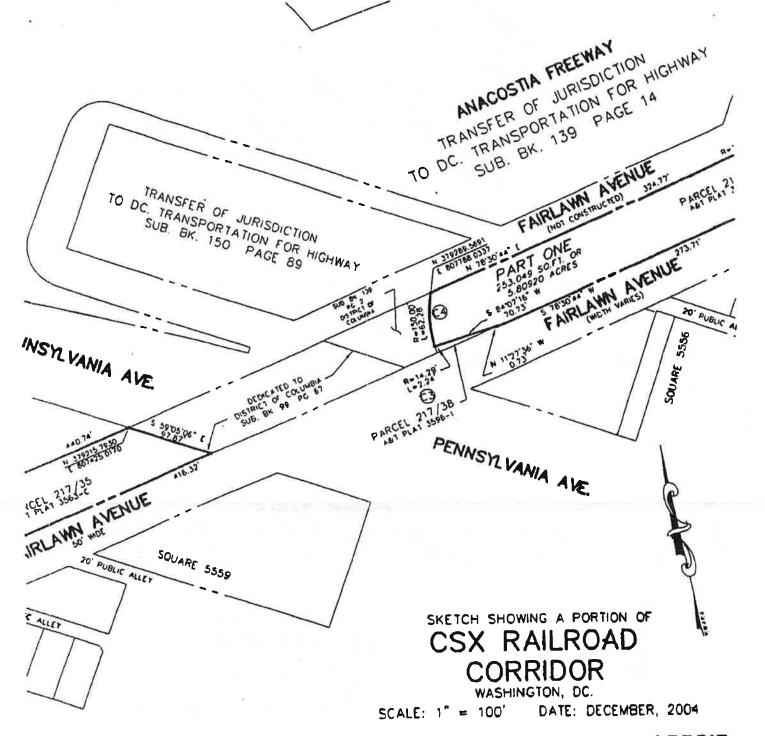
20251 CENTURY BOULEVARD-SLITE #400 & CERMANIONN, MARY, AND 20274 (301) \$16-4100 & FAX (301) \$18-2262 GERMANIONN, MD. MCLEN, YA



SHEET 5 OF 27

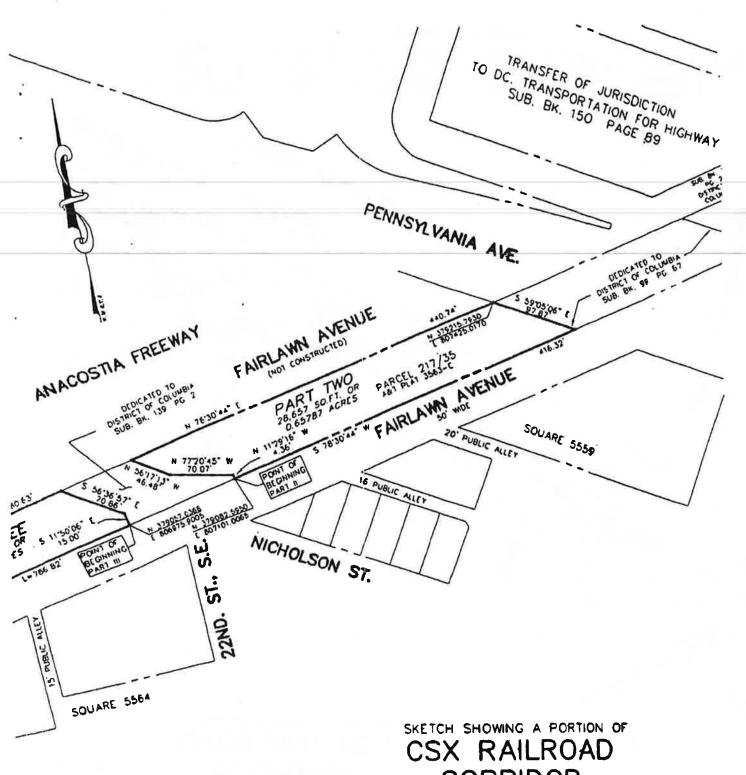
CURVE TABLE

Γ	CURVE	RADIUS	LENGTH	TANGENT	CHORD BEARING	CH DISTANCE	DELTA
ŀ	C3		2.24	1.12'	SB8'36'10'W	2.24*	8"58"19"
1	C4	150.00		31.60	N08'53'32"E	61.84	23'47'24"



VIKA

ENGRICERS & PLANNERS & LANGSCAPE ARGORECTS & SURVEYORS & GPS MENVICES



CORRIDOR

WASHINGTON, DC.

SCALE: 1" = 100"

DATE: DECEMBER, 2004

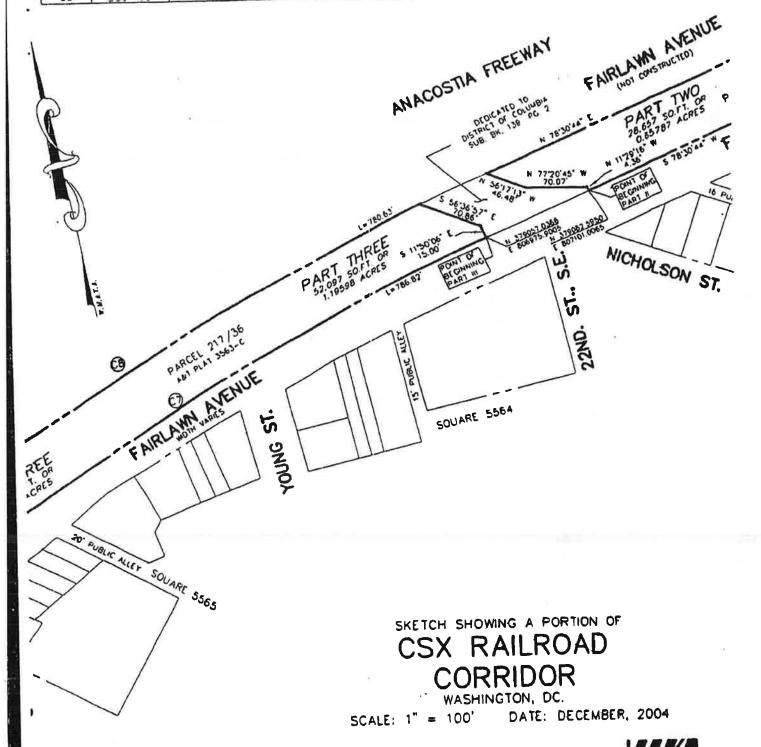


ENGINEERS & PLANNERS & LANDSCAPE AROUTEETS & SURVEYORS

20251 CENTURY BOULEVARD-SATE \$400 & CERMANIONS, MARYLAND 30674
(301) \$16-4100 & FAX (301) \$16-2262
GERMANIONS, MD. MCLEAN MA SHEET 7 OF 27

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	B + B + 1 = 5	IENCTH	TANGENT	CHORD BEARING	CH DISTANCE	DELTA
CURVE	RADIUS	LENGTH			784.18	16"17'00"
C7	2768.60	786.82	396.08	569'42'45"W		15*46*44*
C8	2834.60	780.63	392.80	N68'57'48"E	778.17	15 40 44



ENGNEERS & PLANNERS & LANDSCAPE AROUNCES & SURVEYORS & OF SCHWEES

VILLA PICCAPPORATED

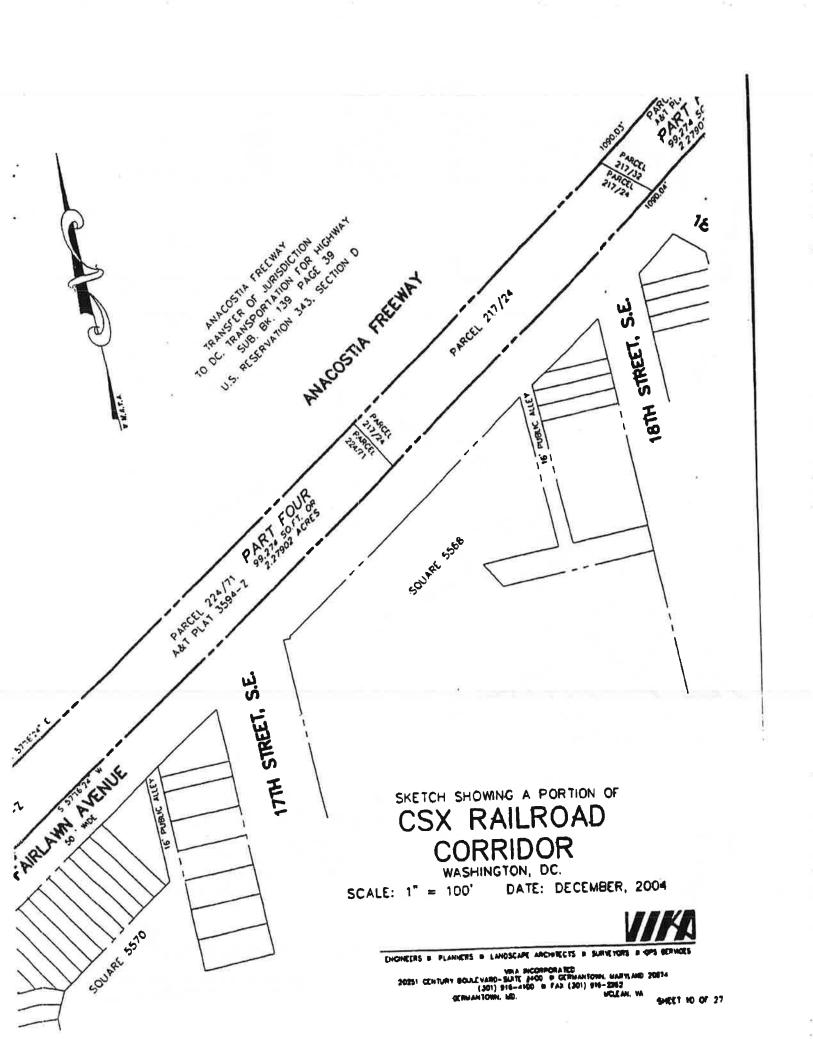
20251 CENTURY BOULEVARD-SLATE AND B GERMANTOWN, MARYLAND BOSTA

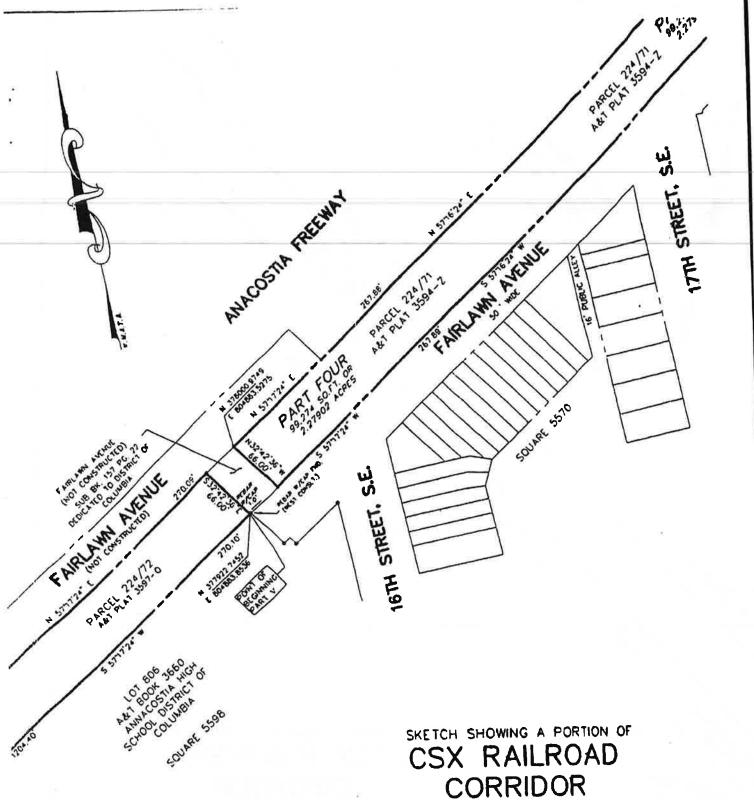
(301) 916-4100 B FAJ (301) 916-2262

GERMANTOWN, MG. MCLEM, VA. SMEET 8 OF 27

CURVE TABLE

C7 2766.60 785.57 396.08 569.42/46°W 784.16 1519000 C68 234.60 780.63 392.80 N6893/46°C 778.17 1814000 C69 2766.60 155.99 780.02 N6893/16°C 155.97 378.17 378.42°C 100 2834.80 136.49 68.26 N5893/10°C 136.47 245.32	100 2 2766.60 786.62 395.08 569 2745 W 784.18 151700 C C S X RAILROAD CORRIDOR WASHINGTON, DC. SCALE: 1" = 100' DATE: DECEMBER, 2004					COITY	_		
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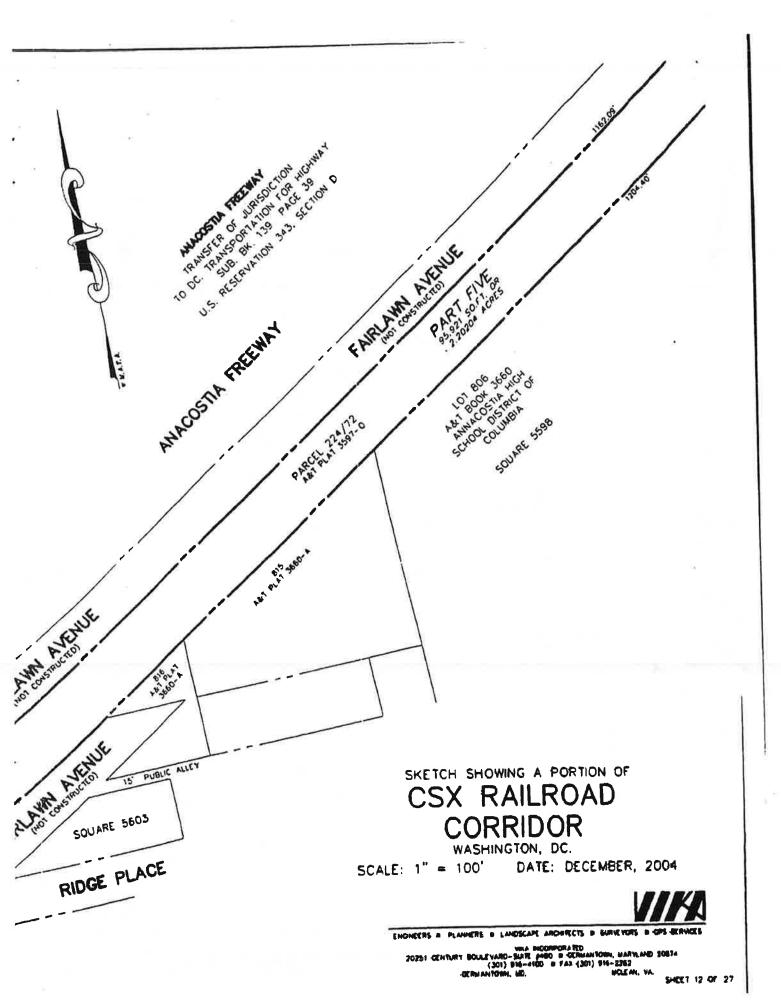
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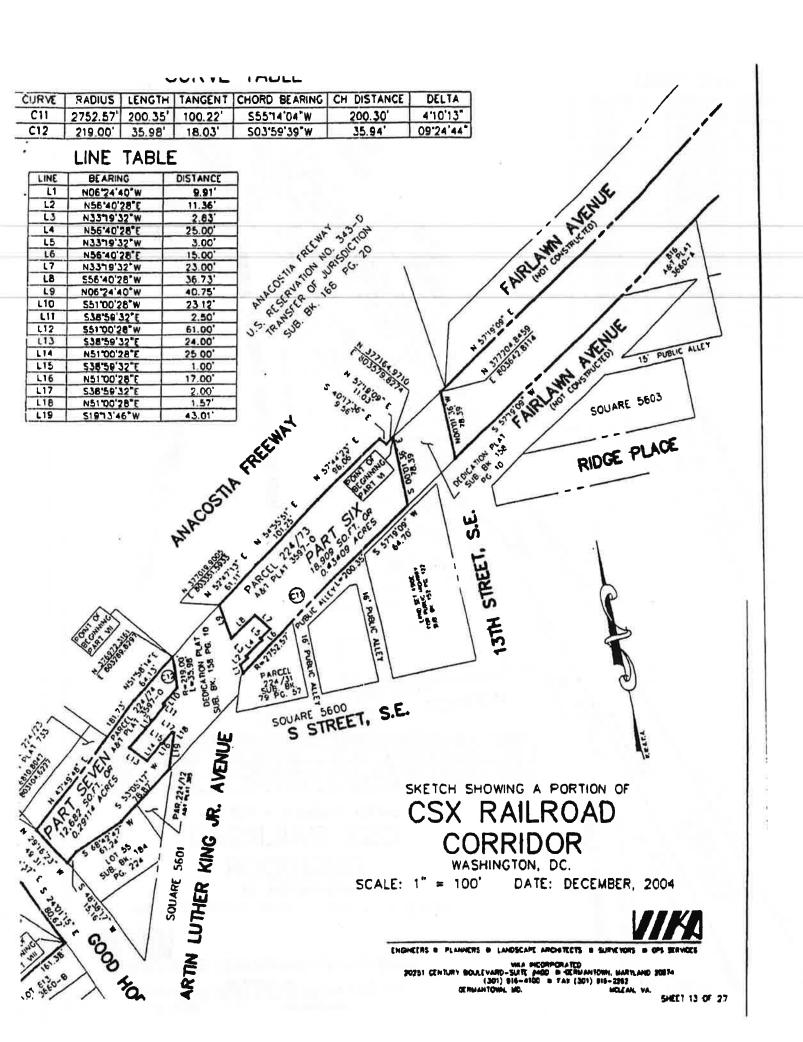
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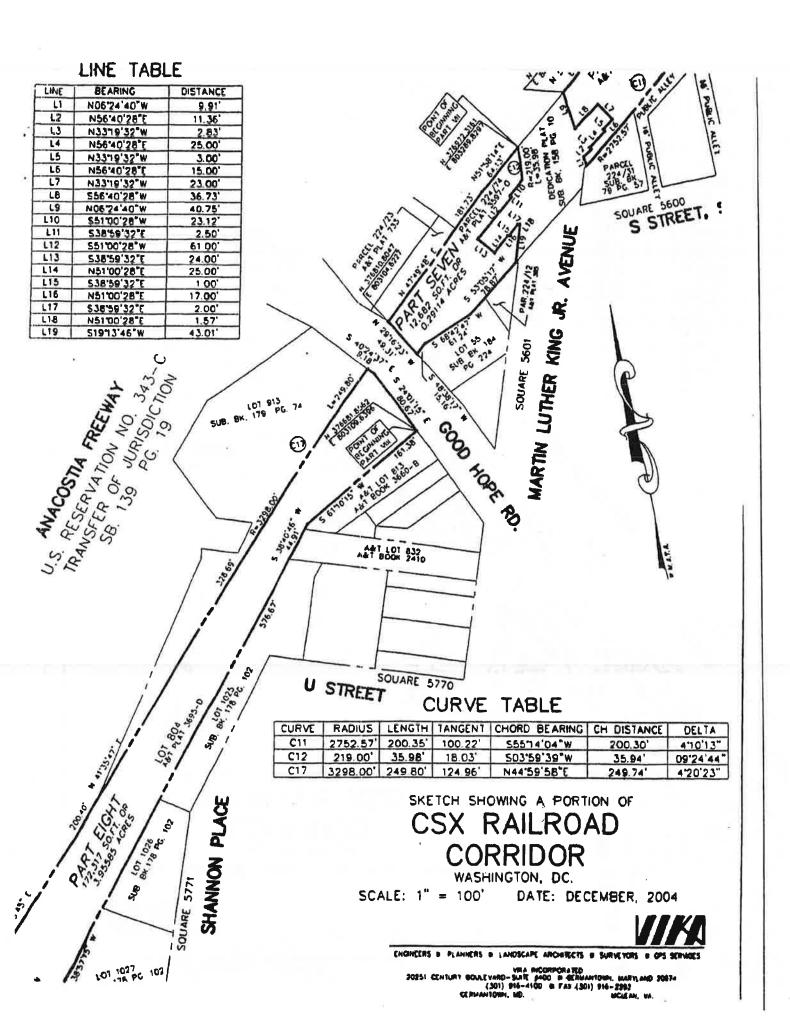


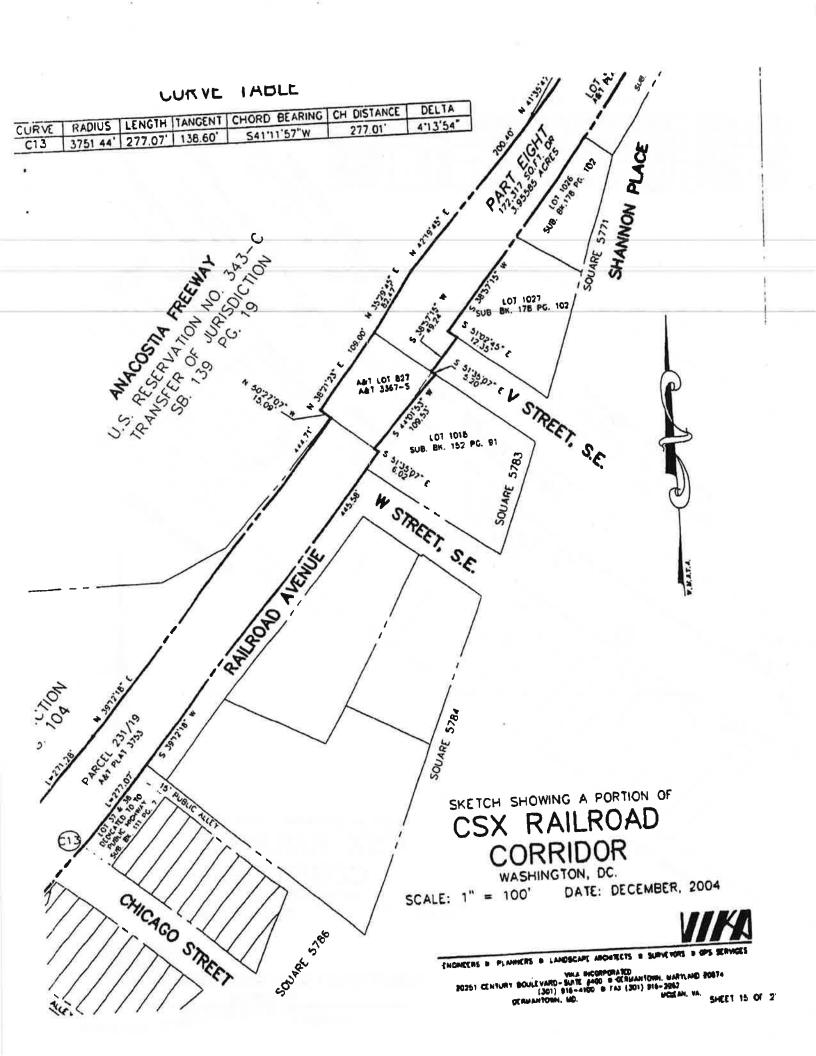
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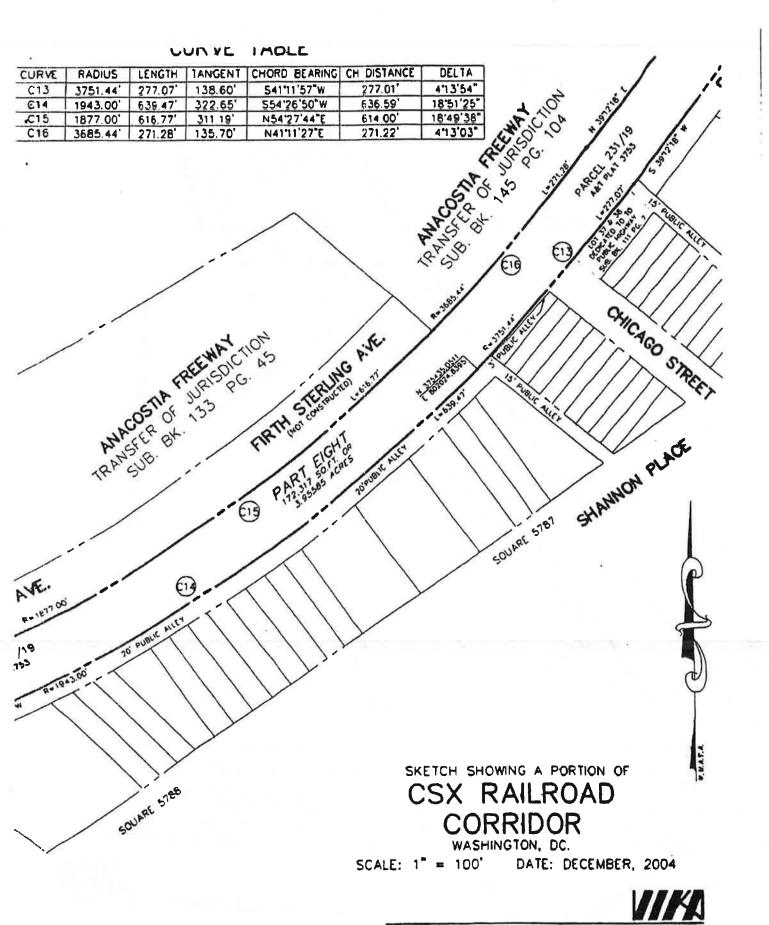
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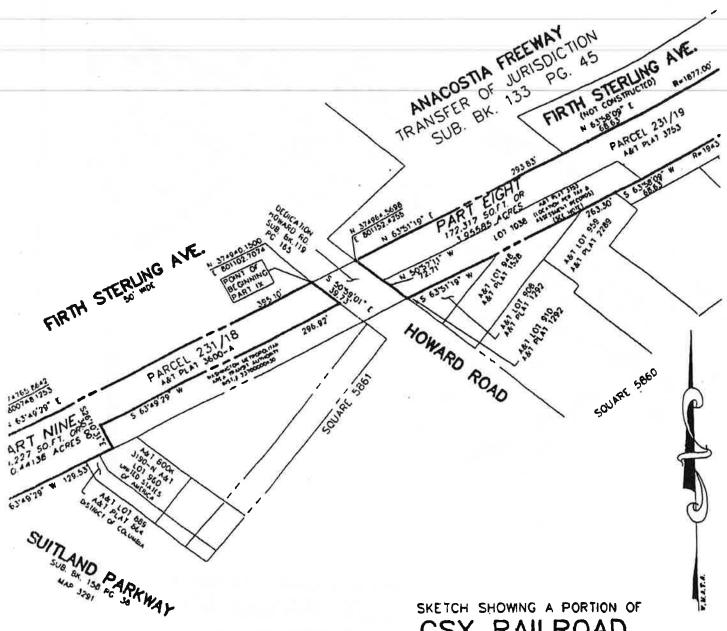






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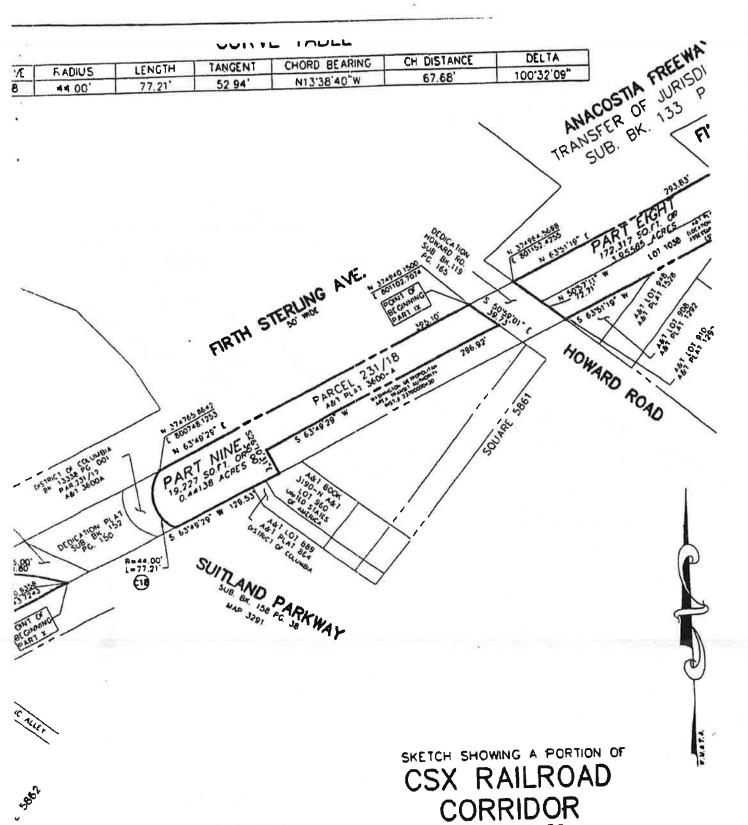


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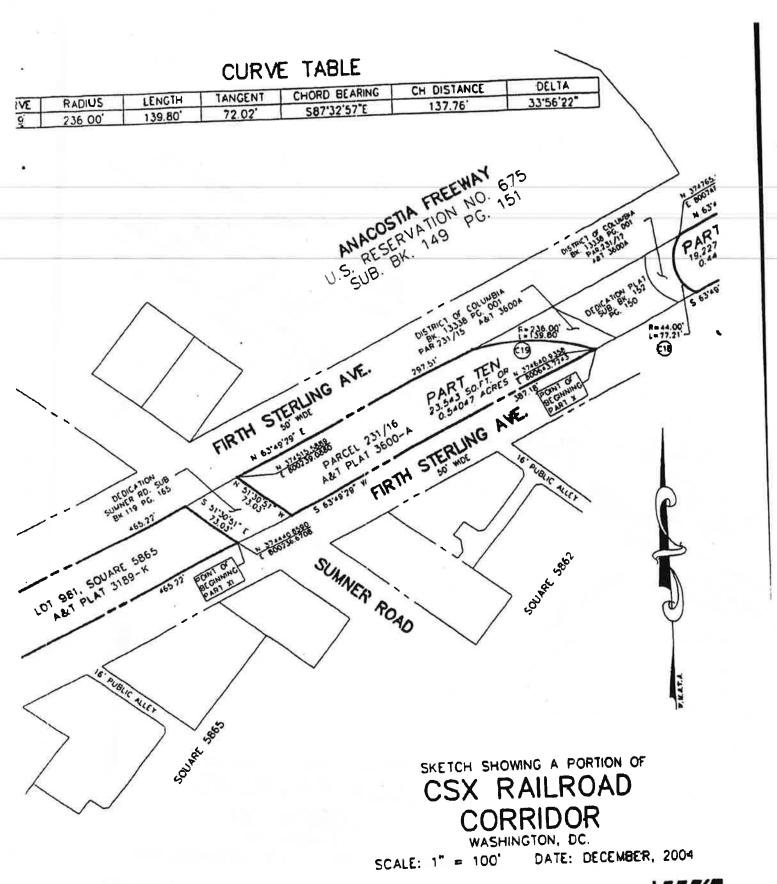
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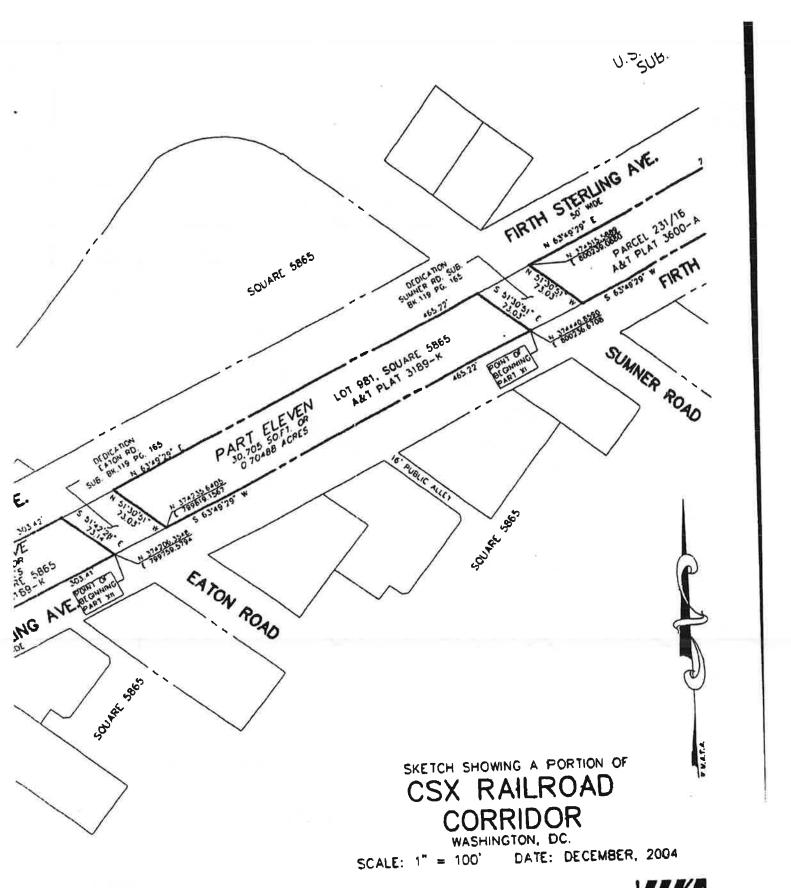


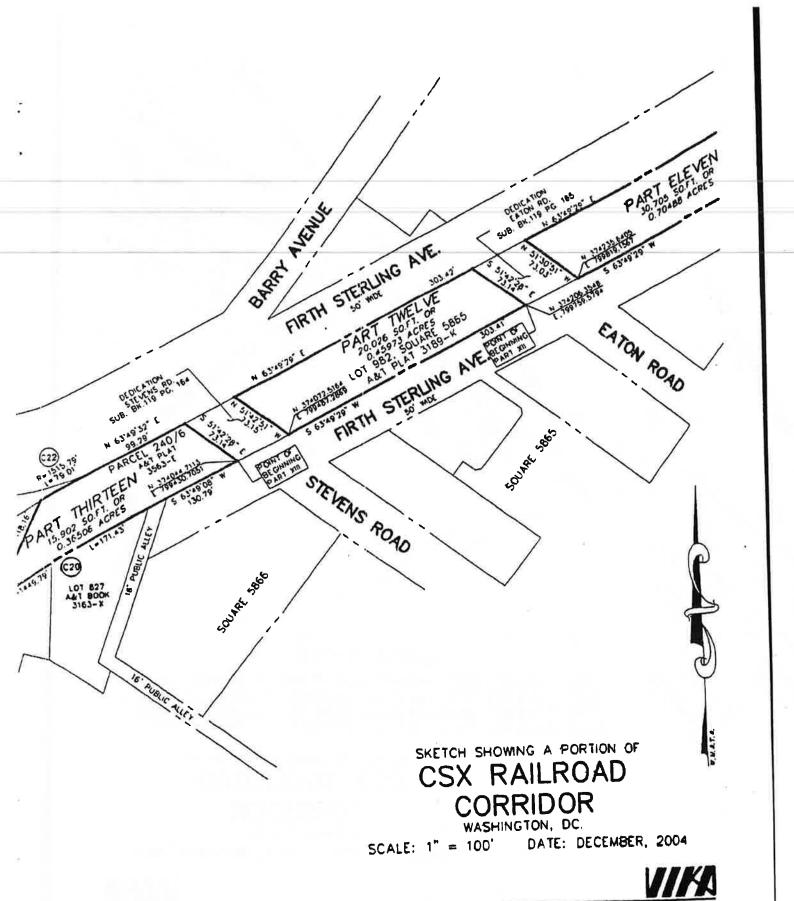
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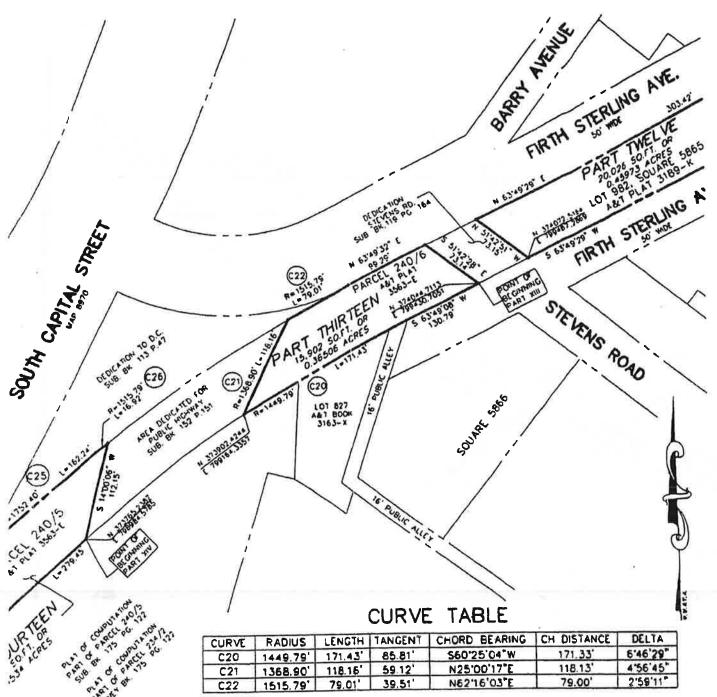
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SKETCH SHOWING A PORTION OF

CSX RAILROAD CORRIDOR

WASHINGTON, DC.

SCALE: 1" = 100'

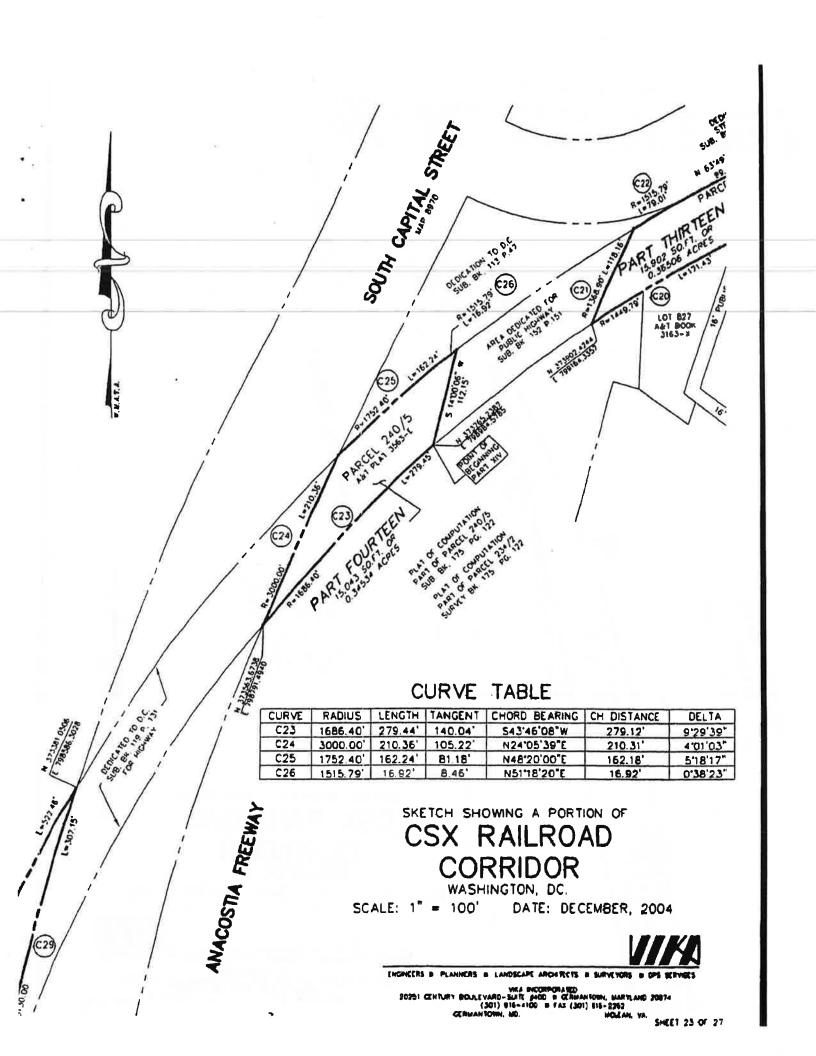
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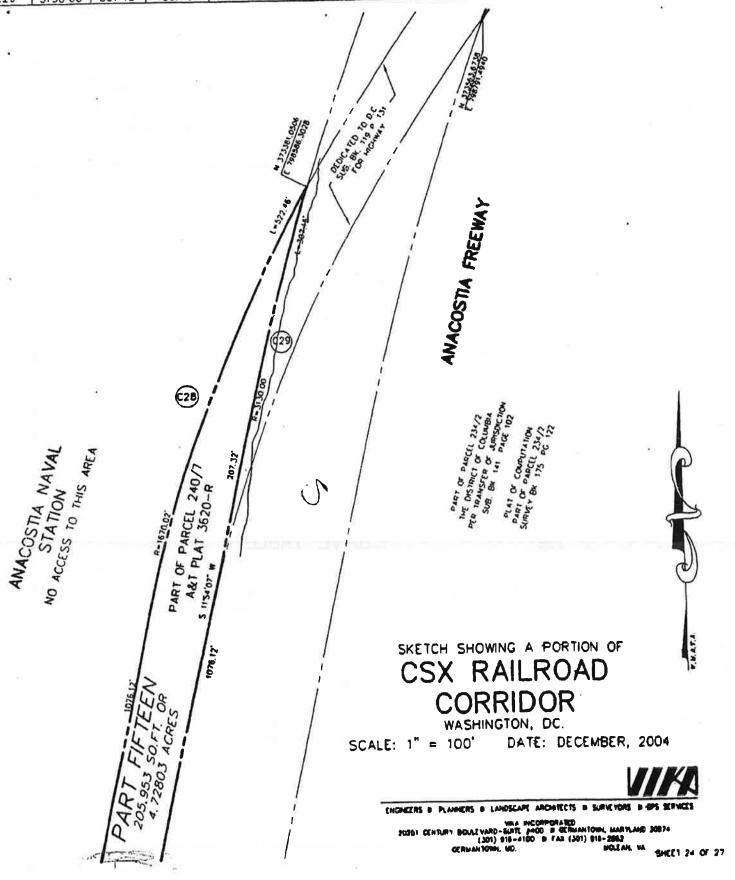
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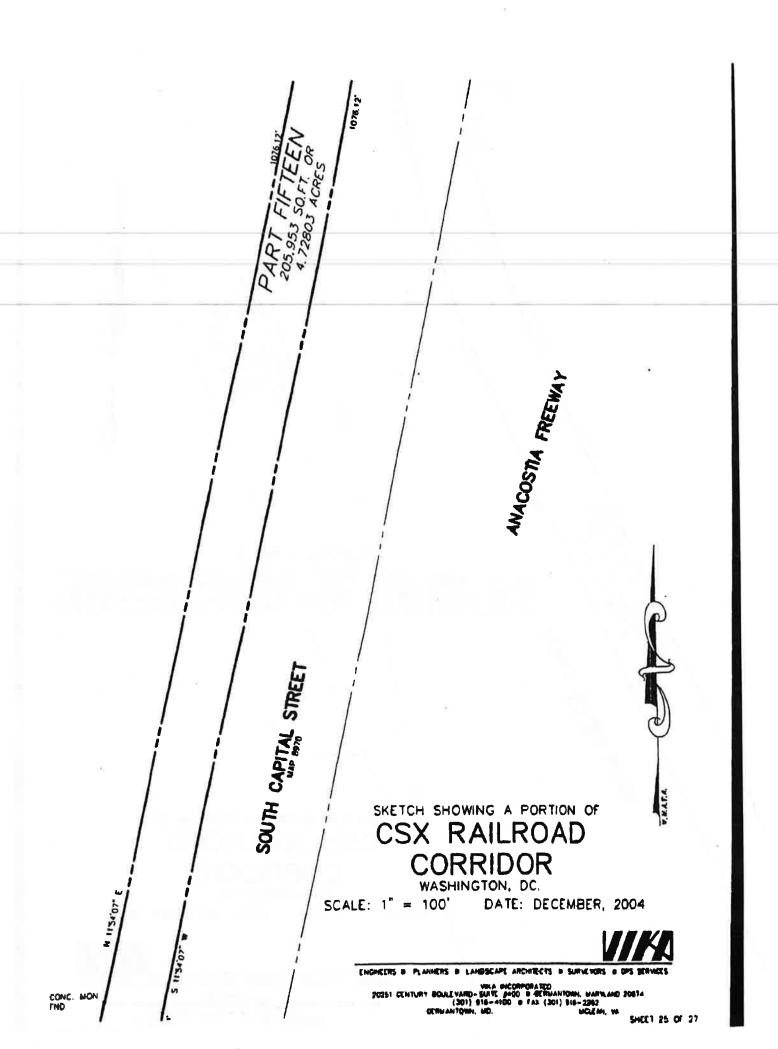
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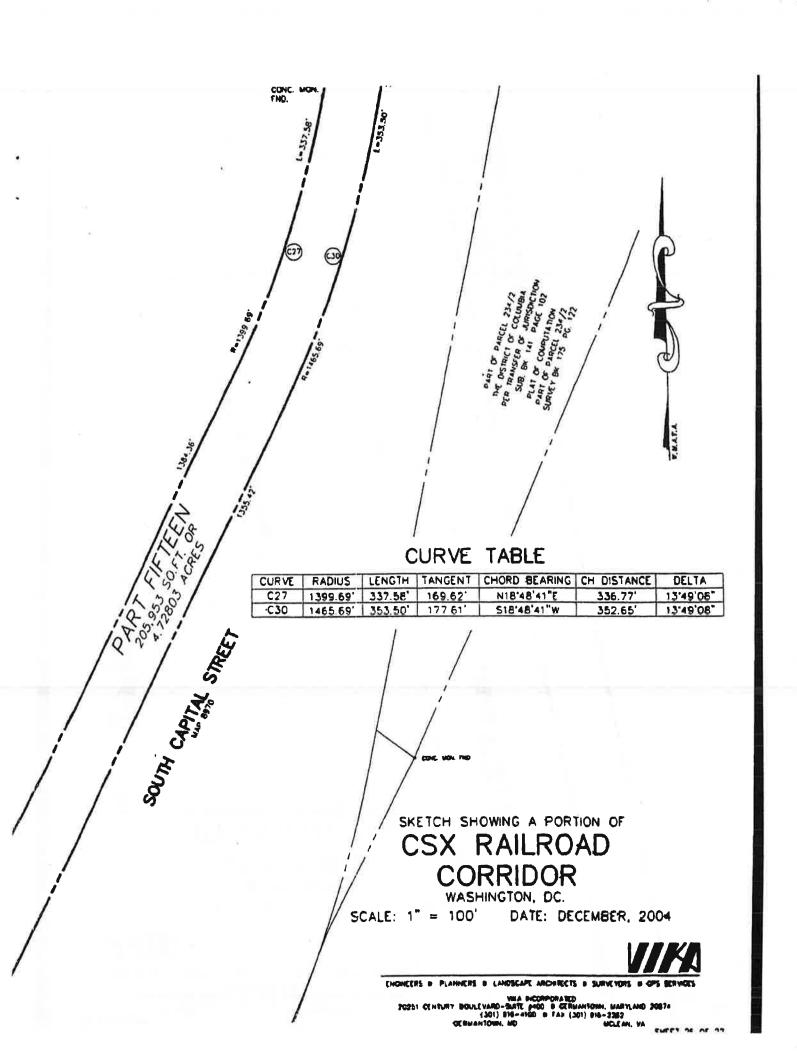


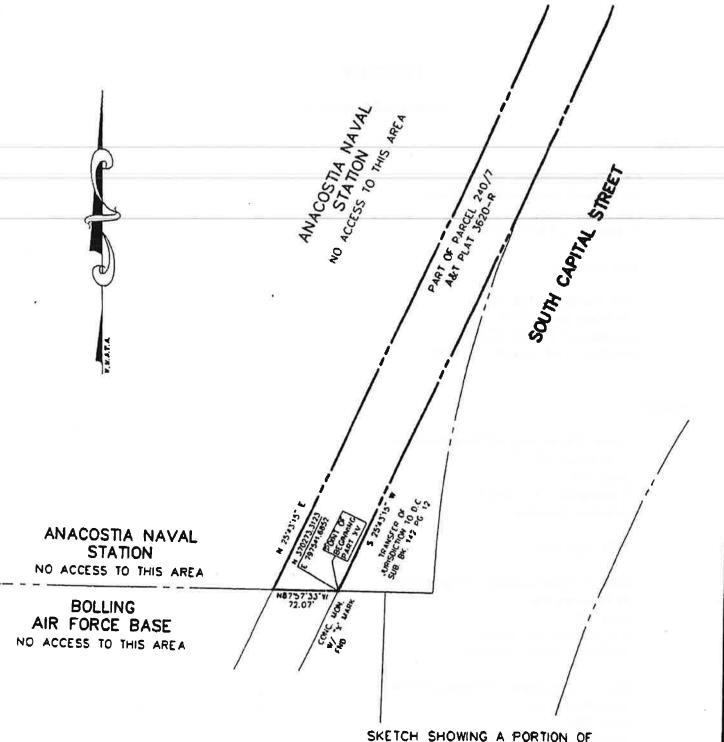
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SKETCH SHOWING A PORTION OF

CSX RAILROAD CORRIDOR

WASHINGTON, DC.

SCALE: 1" = 100'

DATE: DECEMBER, 2004



ENGINEERS & PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & GPS MENGES

20251 CENTURY BOULEVARD-SARE AND B GERMANISMM, MARTY AND 20814 (301) 916-4100 B FAJ (301) 916-2862 GERMANISMM, MD. MCLEMM, VA.

EXHIBIT B

(Notice Addresses)

CSX:

CSX Transportation, Inc. c/o Property Services Department 500 Water Street Jacksonville, Florida 32202

With copies to:

CSX Transportation, Inc. 500 Water Street-J150 Jacksonville, Florida 32202 Attention: Kim Bongiovanni, Esq.

DDOT:

District Department of Transportation 55 M Street, SE Suite 400 Washington, DC 20003 Attention: Director

With copies to:

District Department of Transportation 55 M Street, SE Suite 400 Washington, DC 20003 Attention: Chief Engineer

District Department of Transportation 55 M Street, SE Suite 700 Washington, DC 20003 Attention: General Counsel

EXHIBIT C

INSURANCE REQUIREMENTS

I. Insurance Policies:

DDOT shall cause each of its contractors performing work on the Property (each a "Contractor"), to procure and maintain the following insurance policies:

- 1. Commercial General Liability coverage at the Contractor's sole cost and expense with limits of not less than \$5,000,000 in combined single limits for bodily injury and/or property damage per occurrence, and such policies shall name CSX as an additional named insured.
- 2. Statutory Worker's Compensation and Employers Liability Insurance with limits of not less than \$1,000,000, which insurance must contain a waiver of subrogation against CSX and its affiliates.
- 3. Commercial automobile liability insurance with limits of not less than \$500,000 combined single limit for bodily injury and/or property damage per occurrence, and such policies shall name CSX as an additional named insured.
- 4. Railroad protective liability insurance with limits of not less than \$5,000,000 combined single limit for bodily injury and/or property damage per occurrence and an aggregate annual limit of \$10,000,000, which insurance shall satisfy the following additional requirements:
 - a. The Railroad Protective Insurance Policy must be on the ISO/RIMA Form of Railroad Protective Insurance Insurance Services Office (ISO) Form CG 00 35.
 - b. CSX Transportation must be the named insured on the Railroad Protective Insurance Policy.
 - c. Name and Address of Contractor and DDOT must be shown on the Declarations page.
 - d. Description of operations must appear on the Declarations page and must match the project description, including project or contract identification numbers.
 - e. Authorized endorsements must include the Pollution Exclusion Amendment CG 28 31, unless using form CG 00 35 version 96 and later.
 - f. Authorized endorsements may include:
 - (i). Broad Form Nuclear Exclusion IL 00 21
 - (ii) 30-day Advance Notice of Non-renewal or cancellation
 - (iii) Required State Cancellation Endorsement
 - (iv) Quick Reference or Index CL/IL 240
 - g. Authorized endorsements may not include:
 - h. A Pollution Exclusion Endorsement except CG 28 31
 - (ii) A Punitive or Exemplary Damages Exclusion

- (iii) A "Common Policy Conditions" Endorsement
- (iv) Any endorsement that is not named in Section 4 (e) or (f) above.
- (v) Policies that contain any type of deductible
- 5. All insurance companies must be A. M. Best rated A- and Class VII or better.
- 6. Such additional or different insurance as CSX may require.

II. Additional Terms

1. Contractor must submit its original insurance policies and two copies and all notices and correspondence regarding the insurance policies to:

Jonathan MacArthur Manager – Insurance CSX Transportation, Inc. 500 Water Street - C907 Jacksonville, FL 32202 Phone: 904-359-3394 Fax: 904-366-5325

jonathan_macarthur@csx.com

2. Neither DDOT nor any Contractor may begin work on the Property until DDOT's Contractor has received CSX insurance broker's written approval of the required insurance policies.

EXHIBIT D

Environmental Protocols

Exhibit D --- Environmental Protocols

- 1. CSXT will provide to DDOT environmental studies or data related to the property that it is able to locate in customarily available internal records.
- 2. DDOT shall identify the boundaries of the areas to be used as a future recreational trail (Recreational Property) and for transportation purposes (Transportation Property) prior to the start of any Phase 2 investigation.
- 3. DDOT shall sample Recreational Property in accordance with CSXT's "Minimum Sampling, Soil Management, and Capping Requirements for Rails-to-Trails Conversion of Rail Corridors" attached hereto as Schedule D.1.
- 4. It is understood by DDOT and CSXT that the Transportation Property is to be developed by DDOT for purposes consistent with the historical use of the property as a rail corridor. For this reason, the due diligence data requirements for the Transportation Property should be considered separately from the Recreational Property. While CSXT does not consider Phase 2 sampling to be mandatory for the Transportation Property, if DDOT wishes to conduct Phase 2 sampling on the Transportation Property, CSXT recommends that Schedule D.2 be used as the basis for DDOT's environmental work plan. In all events and notwithstanding the foregoing, DDOT shall submit a proposed environmental work plan which shall include a plan for maintaining the Property in accordance with Section 1.3 of the Permit ("Proposed Plan") to CSXT prior to undertaking any such environmental testing, and DDOT shall not undertake any such work until CSXT has approved the applicable Proposed Plan (which approval shall not be unreasonably withheld by CSXT). CSXT shall endeavor to complete its review of the Proposed Plan and provide its approval or disapproval thereof in ten (10) business days after receipt thereof. DDOT shall not undertake any work under the Proposed Plan until CSXT has approved such plan in writing. Once approved by CSXT, the approved Proposed Plan may not be modified in any way except pursuant to a written agreement signed by both parties hereto.
- 5. Except as otherwise required by Applicable Laws (including, without limitation, the D.C. Freedom of Information Act), DDOT shall not report or disclose environmental assessment data and environmental inspections other than to CSXT. DDOT shall provide in any contract or bids for site assessment or environmental inspections of the Premises a requirement that prohibits any consultant or contractor from disclosing the results of or releasing any report related to such assessments and inspections to anyone other than DDOT and CSXT, except as otherwise required by Applicable Law. Except as otherwise required pursuant to Applicable Laws, (i) DDOT will provide all environmental reports to CSXT and (ii) as long as CSXT is the property owner, CSXT, in consultation with DDOT, will determine whether, as a result of any inspections or assessments, reports need to be made to applicable regulatory agencies.
- 6. DDOT agrees (i) that whether there are any environmental remediation obligations associated with the Property will be determined using risk-based concepts, (ii) the use of engineering and institutional controls such as deed restrictions and DDOT's operational development plan, if applicable, will be used as components of an overall risk-based remediation plan for the Property and (iii) any remediation plan for the Property will be a risk based remediation plan and (x) shall be CSXT's to prepare subject to the review of DDOT if DDOT retains an option to purchase the Property, and (y) if DDOT has acquired the Property, shall be DDOT's to prepare subject to the review of CSX...

Defined terms used in this Exhibit D shall have the meaning set forth in the Permit granted by CSXT to DDOT to which this Exhibit D is attached.

Exhibit D.1 Minimum Sampling, Soil Management, and Capping Requirements For Rails-to-Trails Conversion of Rail Corridors

I. Sampling

Surface soils should be sampled as follows (please see attachments for typical sampling layout schematics):

- a. Adjacent to any existing or former buildings, bridges, signals, etc.
- b. At former switch or rail-to-rail crossings, collect a minimum of 3 composite samples. One composite sample should be obtained at the switch or crossing location, with additional composite samples obtained at 50-foot intervals in either directional along the corridor as illustrated in Figure 1. Each composite sample should consist of 5 specimens (i.e., each composite sample will consist of 5 discreet samples that are mixed together and analyzed as a single sample).
- c. Along the remaining rail corridor:
 - For corridor less than 0.5-mile long, collect a minimum of 10 composite samples.
 - For corridor 0.5 0.75 miles long, collect 15 composite samples.
 - For corridor 0.75 miles to 1 mile long, collect 20 composite samples. Space the sampling points evenly down corridor, i.e., 20 samples in one mile is one sample about every 250 feet.
 - For corridors greater than 1 mile in length, the number of evenly spaced samples to be collected should be calculated as follows:

Number of Composite Samples = 20 + 5x

Where x = total corridor length in excess of 1 mile

As an example, given a 4-mile length of corridor, the number of samples to be collected would equal 20+5*3 or 35 composite samples, which would be spaced approximately every 600 feet.

Each composite sample collected along the corridor should consist of 5 specimens. An illustration of the composite sample configuration for a rail corridor is provided in Figure 2.

- d. Samples should be collected from the upper 6 inches of soil taking into consideration State standards concerning direct exposure.
- e. Samples should be analyzed for arsenic (SW 846 Method 6010B), lead (SW 846 Method 6010B) and PAH (SW 846 Method 8270C SIM). If the corridor was utilized for electric rail, the samples should also be analyzed for PCB's using SW 846 Method 8082, Method 608 or appropriate state test method.

II. Soil Management Plan

DISTRICT shall provide a written soil management plan defining procedures for monitoring the corridor to ensure potential exposure pathways are controlled to reduce risk of exposure to the public to acceptable levels. This plan shall include at a minimum:

- A site plan clearly showing "capped" vs. "un-capped" areas of the corridor
- A detailed description of the cap thickness and method of construction (i.e. ballast field, soil, concrete, asphalt, etc.);
- A detailed description of methods and procedures to be utilized to prevent users
 from accessing uncapped areas of the corridor and potentially contacting site soils.
 This section should include a discussion of signage or other methods to be utilized
 to communicate to the public the past industrial use of the corridor and the
 potential for impacted soils to be present;
- Defined procedures for the testing and management of soil that is excavated as part of a construction project on the property, such as culvert or underground utility installation:
- A discussion of inspection and reporting procedures to document (at least annually) the condition of the cap and to reaffirm that un-capped areas of the site are not being accessed or utilized by the public The annual inspection report should identify any deficiencies in the cap and document any changes (including updated site plans) or repairs made to the cap during the inspection period, and any other corrective actions warranted to protect the public from exposure to site soils.

III. Capping

The rail bed, defined as extending from opposite toes-of-slope of the ballast field, if present, or a minimum of 7 feet on either side of the centerline of the former track, shall be graded and capped with pavement or other suitable material to prevent contact with the surface soil. This cap should have a minimum thickness of one to two feet. Actual cap design should be developed on a project-specific basis taking into account specific requirements of State and Local environmental regulation.



Typical Confider Sampling interval (Number of Samples and Sample Specing Defermined by Conndid Length)

Composte Sample Comprised of 5 Disples coations

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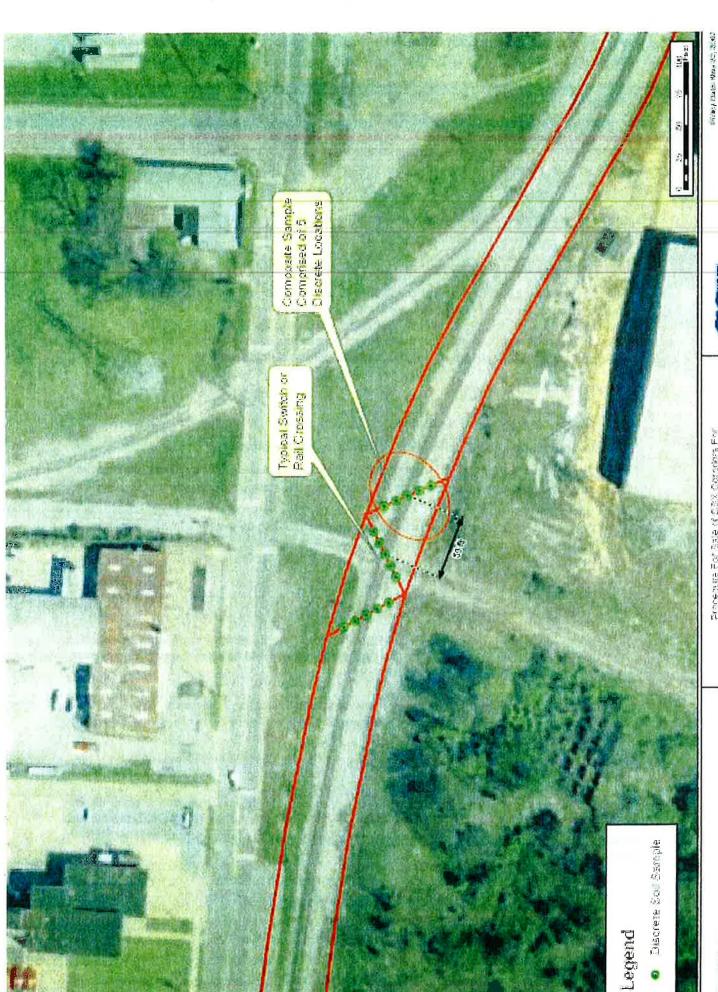
Procedure For Sale of CSX Compars For Rails-To-Trails Recreation Lise Figure 1
Typical Combor Samping Layout

Schibilite-Colline Program hills.

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Discrete Sci Sample

Legend



Procedure For Sale of Claix Connobra For Figure 2 Figure 5 Figure

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Exhibit D.2 Recommended Sampling, Soil Management, and Capping Requirements for Transportation Use of Rail Corridor

I. Sampling

Surface soils should be sampled as follows (please see attachments for typical sampling layout schematics):

- a. Adjacent to any existing or former buildings, bridges, signals, etc.
- b. At former switch or rail-to-rail crossings, collect a minimum of 3 composite samples. One composite sample should be obtained at the switch or crossing location, with additional composite samples obtained at 50-foot intervals in either directional along the corridor as illustrated in Figure 1. Each composite sample should consist of 5 specimens (i.e., each composite sample will consist of 5 discreet samples that are mixed together and analyzed as a single sample).
- c. Along the remaining rail corridor:
 - For corridor less than 0.5-mile long, collect a minimum of 10 composite samples.
 - For corridor 0.5 0.75 miles long, collect 15 composite samples.
 - For corridor 0.75 miles to 1 mile long, collect 20 composite samples. Space the sampling points evenly down corridor, i.e., 20 samples in one mile is one sample about every 250 feet.
 - For corridors greater than 1 mile in length, the number of evenly spaced samples to be collected should be calculated as follows:

Number of Composite Samples = 20 + 5x

Where x = total corridor length in excess of 1 mile

As an example, given a 4-mile length of corridor, the number of samples to be collected would equal 20+5*3 or 35 composite samples, which would be spaced approximately every 600 feet.

Each composite sample collected along the corridor should consist of 5 specimens. An illustration of the composite sample configuration for a rail corridor is provided in Figure 2.

- d. Samples should be collected from the upper 6 inches of soil taking into consideration State standards concerning direct exposure.
- e. Samples should be analyzed for arsenic (SW 846 Method 6010B), lead (SW 846 Method 6010B) and PAH (SW 846 Method 8270C SIM). If the corridor was utilized for electric rail, the samples should also be analyzed for PCB's using SW 846 Method 8082, Method 608 or appropriate state test method.

II. Soil Management Plan

DISTRICT shall provide a written soil management plan defining procedures for monitoring the corridor to ensure potential exposure pathways are controlled to reduce risk of exposure to the public to acceptable levels. This plan shall include at a minimum:

- A site plan clearly showing "capped" vs. "un-capped" areas of the corridor
- A detailed description of the cap thickness and method of construction (i.e. ballast field, soil, concrete, asphalt, etc.);
- A detailed description of methods and procedures to be utilized to prevent users from accessing uncapped areas of the corridor and potentially contacting site soils. This section should include a discussion of signage or other methods to be utilized to communicate to the public the past industrial use of the corridor and the potential for impacted soils to be present;
- Defined procedures for the testing and management of soil that is excavated as part
 of a construction project on the property, such as culvert or underground utility
 installation;
- A discussion of inspection and reporting procedures to document (at least annually) the condition of the cap and to reaffirm that un-capped areas of the site are not being accessed or utilized by the public The annual inspection report should identify any deficiencies in the cap and document any changes (including updated site plans) or repairs made to the cap during the inspection period, and any other corrective actions warranted to protect the public from exposure to site soils.

III. Capping

The rail bed, defined as extending from opposite toes-of-slope of the ballast field, if present, or a minimum of 7 feet on either side of the centerline of the former track, shall be graded and capped with pavement or other suitable material to prevent contact with the surface soil. This cap should have a minimum thickness of one to two feet. Actual cap design should be developed on a project-specific basis taking into account specific requirements of State and Local environmental regulation.

Procedure For Sale of CBX Contidors For Rails-To-Trails Repression Lise Figure 1
Natical Contidor Sampling Layout

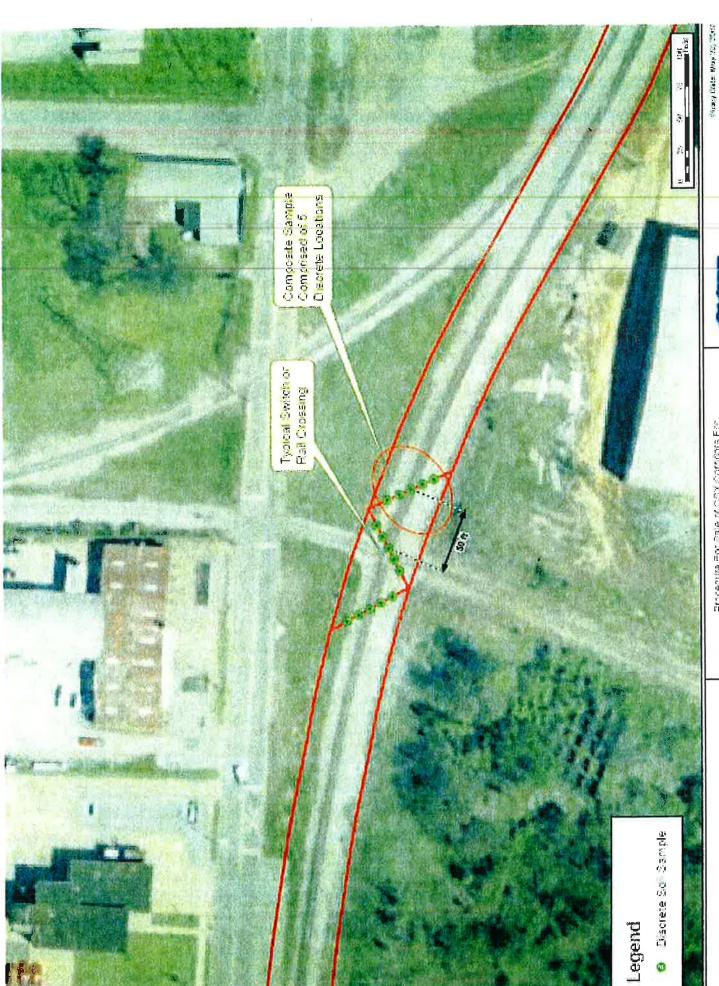




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EXHIBIT E

Maintenance Area

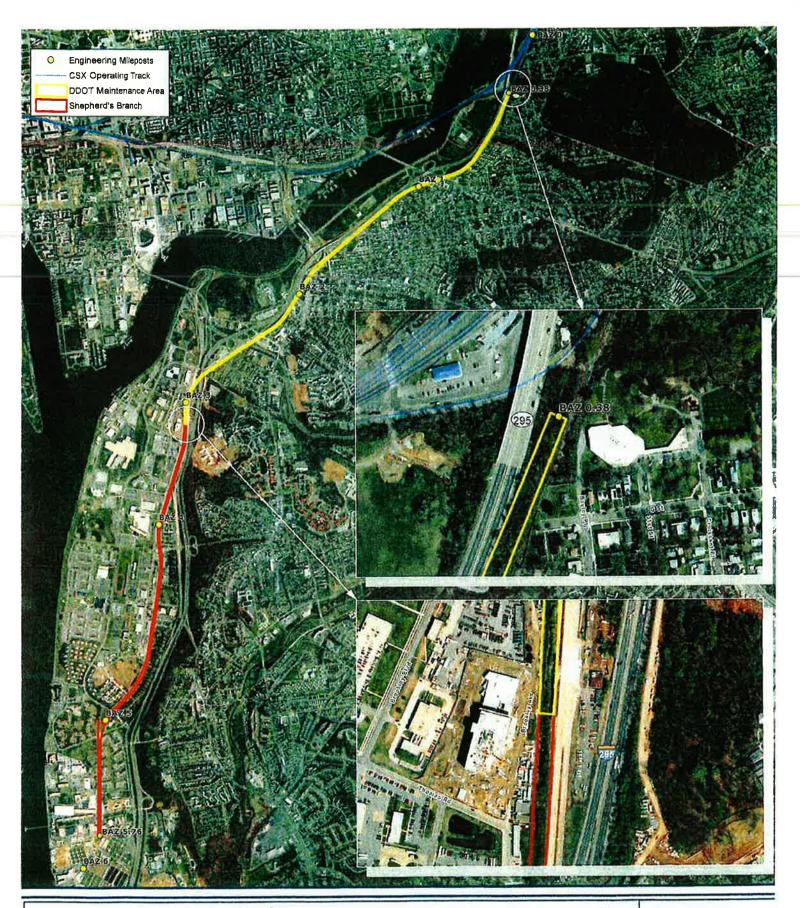


Exhibit E - Shepherd's Branch

Site: DC-001-0996735 Washington, D.C. Baltimore Division - Capital Subdivision Milepost BAZ 0.38 to BAZ 5.76





* * *

DISTRICT DEPARTMENT OF TRANSPORTATION

PUBLIC RIGHT-OF-WAY OCCUPANCY PERMIT



Inspections/Enforcement: (202) 645-7050

Date:

MARCH 30, 2014

Permit No. PA-LTO-CSX-VA Ave Tunnel ROW 2

Permittee:

CSX TRANSPORTATION, INC.

Address:

UNDER VIRGINIA AVE SE GENERALLY BETWEEN 2ND ST SE AND 12TH ST SE, WASHINGTON, DC AND AT-GRADE TO THE EAST OF 12TH ST SE₋ AS MORE PARTICULARLY SHOWN ON EXHIBIT A OF THE TERMS

AND CONDITIONS ATTACHED HERETO

Pursuant to the approval by the District Department of Transportation ("DDOT" or "Department") on December 21, 2012, permission is hereby granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee"), subject to the terms of this Permit including, without limitation the Terms and Conditions attached to this Permit, to use and occupy exclusively a portion of the Public Right of Way located under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE, and located under Virginia Avenue, SE and at-grade as applicable to the east of 12th Street, SE, the location and dimensions of which are more particularly shown in Exhibit A of the Terms and Conditions as shall be amended as described in the Terms and Conditions hereunto annexed and made a part hereof (collectively, the "Virginia Ave Tunnel ROW") where Permittee will occupy the Virginia Ave Tunnel ROW with a tunnel, railroad tracks and related appurtenances for railroad purposes.

Occupancy Times and Days: 24 hours a day, 7 days a week

Occupancy Period:

The date hereof through the duration of the Virginia Avenue Tunnel Reconstruction

Improvements (defined in the Terms and Conditions) in the Virginia Avenue Tunnel

ROW being used for railroad purposes

Compensation:

\$10.00 for exclusive occupancy of the Virginia Ave Tunnel ROW during the

Occupancy Period

- The Permittee and DDOT shall be bound by all terms listed herein, as well as the Terms and Conditions attached to this Permit.
- No deviation from the Terms and Conditions that supplement this Permit shall be allowed without prior permission from DDOT as provided for in the Terms and Conditions attached to this Permit.
- The Permittee agrees to occupy the public right-of-way only to the extent as set forth in this Permit and the Terms and Conditions attached to this Permit.
- Upon termination of this Permit, the Permittee shall suspend all occupancy of the public right-of-way and all activities authorized in the public right-of-way under this Permit except for that occupancy and those activities authorized under other permits, DCMR, the District of Columbia Code, or applicable federal laws.

NAME AND TITLE OF D	DOT APPROVER
---------------------	--------------

MATTHEW J MARCOU, DEPUTY ASSOCIATE DIRECTOR, PUBLIC SPACE REGULATION ADMINISTRATION

SIGNATURE: /W/WWW / / / / W/W/W

_DATE: 04/34/14

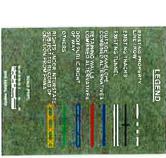


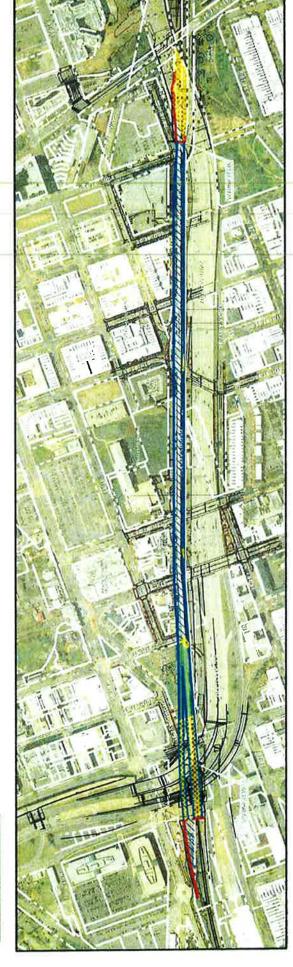


ACKNOWLEDGED DDOT______

DECEMBER 21, 2012

CSX





GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION WASHINGTON, D.C.

FIRST AMENDMENT TO TERMS AND CONDITIONS FOR THE PUBLIC RIGHT OF WAY OCCUPANCY PERMIT FOR CSX TRANSPORTATION, INC.

RECITALS

WHEREAS, District Department of Transportation ("DDOT") issued a certain Permit to CSX Transportation, Inc. (CSXT) dated December 21, 2012 (Permit No. PA-LTO-CSX-VA Ave Tunnel ROW) which consisted of the Permit cover page ("Cover"), those Terms and Conditions for the Public Way Occupancy Permit for CSX Transportation, Inc. ("Terms and Conditions") and Exhibit A thereto (collectively the Cover, the Terms and Conditions and Exhibit A are the "Permit"); and

WHEREAS, CSXT and DDOT agree that certain clarifications need to be made to the Cover so that it is consistent with the Terms and Conditions and Exhibit A thereto, as it was always the intention of the parties that the Permit cover both the below grade space between 2nd and 12th Streets, S.E. and certain at grade areas east of 12th Street, S.E., all as shown on Exhibit A.

NOW, THEREFORE, the parties agree (i) to make such modifications to the Permit cover page as shown on Exhibit B and (ii) that the Permit shall include the new cover page, the Terms and Conditions, Exhibit A and this First Amendment.

- 1. This First Amendment amends certain terms and conditions of the Permit simply to clarify the Cover and make it harmonious with the Terms and Conditions and Exhibit A. All other terms and conditions of the Permit that are not modified by this First Amendment shall remain in full force and effect. Hereafter, the Cover, modified as provided in Exhibit B, the Terms and Conditions, as modified by this First Amendment, and Exhibit A shall constitute the entire Permit.
- 2. Counterparts. This First Amendment may be executed in counterparts, which shall have the full force and effect of an original document.
- Recitals. The recitals are incorporated by reference.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below.

CSX TRANSPORTATION, INC.

By:	- Wis E Rend	
	Name: Louis E. Renzel	
	Name: Louis E. Rengel Title: Vice President - Strategic	Infrastructure
DIST	RICT OF COLUMBIA,	
	District of Columbia Department of Tra	nsportation
45		
Ву:		
-	Manage	
	Name:	

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION WASHINGTON, D.C.

FIRST AMENDMENT TO TERMS AND CONDITIONS FOR THE PUBLIC RIGHT OF WAY OCCUPANCY PERMIT FOR CSX TRANSPORTATION, INC.

RECITALS

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WHEREAS, CSXT and DDOT agree that certain clarifications need to be made to the Cover so that it is consistent with the Terms and Conditions and Exhibit A thereto, as it was always the intention of the parties that the Permit cover both the below grade space between 2nd and 12th Streets, S.E. and certain at grade areas east of 12th Street, S.E., all as shown on Exhibit A.

NOW, THEREFORE, the parties agree (i) to make such modifications to the Permit cover page as shown on Exhibit B and (ii) that the Permit shall include the new cover page, the Terms and Conditions, Exhibit A and this First Amendment.

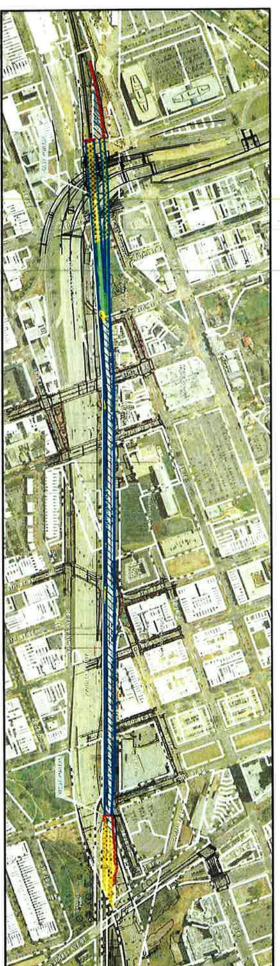
- 1. This First Amendment amends certain terms and conditions of the Permit simply to clarify the Cover and make it harmonious with the Terms and Conditions and Exhibit A. All other terms and conditions of the Permit that are not modified by this First Amendment shall remain in full force and effect. Hereafter, the Cover, modified as provided in Exhibit B, the Terms and Conditions, as modified by this First Amendment, and Exhibit A shall constitute the entire Permit.
- 2. Counterparts. This First Amendment may be executed in counterparts, which shall have the full force and effect of an original document.
- 3. Recitals. The recitals are incorporated by reference.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below.

CSX TRANSPORTATION, INC.

By:		
•	Name:	
	Title:	
DIST	RICT OF COLUMBIA,	
by th	District of Columbia Department of Transportation	n
By:	Temp celle	
	Name:	
	Title:	

EXHIBIT A
TO
TO
OCCUPANCY PERMIT
PERMIT #
DATED





ACKNOWLEDGED
DDOT_____
CSX___
DECEMBER 21, 2012

EXHIBIT B

Address shall read: Under Virginia Avenue SE Generally Between 2nd Street SE and 12th ST SE, Washington DC <u>and at-grade to the east of 12th Street, SE</u> -As more particularly shown on Exhibit A of the Terms and Conditions attached hereto.

Pursuant to the approval by the District Department of Transportation ("DDOT" or "Department") on December 21, 2012, permission is hereby granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee"), subject to the terms of this Permit including, without limitation the Terms and Conditions attached to this Permit, to use and occupy exclusively a portion of the Public Right of Way located under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE, and located under Virginia Avenue, SE and at-grade as applicable to the east of 12th Street, SE, the location and dimensions of which are more particularly shown in Exhibit A of the Terms and Conditions as shall be amended as described in the Terms and Conditions hereunto annexed and made a part hereof (collectively, the "Virginia Ave Tunnel ROW") where Permittee will occupy the Virginia Ave Tunnel ROW with a tunnel, railroad tracks and related appurtenances for railroad purposes.



DISTRICT DEPARTMENT OF TRANSPORTATION PUBLIC RIGHT-OF-WAY OCCUPANCY PERMIT



Inspections/Enforcement: (202) 645-7050

Date:

DECEMBER 21, 2012

Permit No.

PA-LTO-CSX-VA Ave Tunnel ROW

Permittee:

CSX TRANSPORTATION, INC.

Address:

UNDER VIRGINIA AVE SE GENERALLY BETWEEN 2ND ST SE AND 12TH ST SE, WASHINGTON, DC – AS MORE PARTICULARLY SHOWN ON EXHIBIT A OF THE TERMS AND CONDITIONS ATTACHED HERETO

Pursuant to the approval by the District Department of Transportation ("DDOT" or "Department") on December 21, 2012, permission is hereby granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee"), subject to the terms of this Permit including, without limitation, the Terms and Conditions attached to this Permit, to use and occupy exclusively a portion of the Public Right of Way located under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE, the location and dimensions of which are more particularly shown in Exhibit A of the Terms and Conditions as shall be amended as described in the Terms and Conditions, hereunto annexed and made a part hereof (collectively, the "Virginia Avenue Tunnel ROW"), where Permittee will occupy the Virginia Avenue Tunnel ROW with a tunnel, railroad tracks and related appurtenances for railroad purposes.

Occupancy Times and Days: 24 hours a day, 7 days a week

Occupancy Period:

The date hereof through the duration of the Virginia Avenue Tunnel Reconstruction Improvements (defined in the Terms and Conditions) in the Virginia Avenue Tunnel

ROW being used for railroad purposes

Compensation:

\$10.00 for exclusive occupancy of the Virginia Avenue Tunnel ROW during the

Occupancy Period

- The Permittee and DDOT shall be bound by all terms listed herein, as well as the Terms and Conditions attached to this Permit.
- No deviation from the Terms and Conditions that supplement this Permit shall be allowed without prior permission from DDOT as provided for in the Terms and Conditions attached to this Permit.
- The Permittee agrees to occupy the public right-of-way only to the extent as set forth in this Permit and the Terms and Conditions attached to this Permit.
- Upon termination of this Permit, the Permittee shall suspend all occupancy of the public right-of-way and all activities authorized in the public right-of-way under this Permit except for that occupancy and those activities authorized under other permits, DCMR, the District of Columbia Code, or applicable federal laws.

NAME AND TITLE OF DOOT APPROVER:

Matthew J Marcou, Deputy Associate Director, Public Space Regulation Administration

DATE: 12/21/12

GOVERNMENT OF THE DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION WASHINGTON, D.C.

TERMS AND CONDITIONS FOR THE PUBLIC RIGHT OF WAY OCCUPANCY PERMIT FOR CSX TRANSPORTATION, INC.

PREAMBLE

This Permit is being granted to CSX TRANSPORTATION, INC. ("CSXT" or "Permittee").

RECITALS

WHEREAS, CSXT currently owns and operates certain railroad improvements, including without limitation, tracks and a tunnel running, in part, under Virginia Avenue, SE ("Existing Virginia Avenue Tunnel Improvements") which were largely constructed in 1905 pursuant to the Acts (defined in Article IV.D below); and

WHEREAS, because of their age, condition and 21st Century infrastructure requirements, CSXT needs to reconstruct the Existing Virginia Avenue Improvements running, in part, under Virginia Avenue, SE ("Virginia Avenue Tunnel Reconstruction Improvements");

WHEREAS, the District Department of Transportation ("DDOT" or "Department") and the United States Federal Highway Administration ("FHWA") are currently preparing an Environmental Impact Statement ("EIS") pursuant to the National Environmental Policy Act, 42 USCA § 4321 et seq. ("NEPA") to determine which, if any, of three (3) build alternatives currently described in that Draft Environmental Impact Statement dated September 7, 2012 ("DEIS"), will be an acceptable alternative for the Virginia Avenue Tunnel Reconstruction Improvements, if any; and

WHEREAS, the NEPA process will conclude with the issuance of a record of decision ("Record of Decision") which may select one of the build alternatives, if any, pursuant to which Permittee may construct the Virginia Avenue Tunnel Reconstruction Improvements or adopt the "No Build alternative" identified in the DEIS; and

WHEREAS, each of the build alternatives identified in the DEIS provides for the construction of the Virginia Avenue Tunnel Reconstruction Improvements just to the south of the Existing Virginia Avenue Tunnel Improvements; and

WHEREAS, if the Record of Decision identifies a build alternative for the construction of the Virginia Avenue Tunnel Reconstruction Improvements, Permittee shall have the right to construct the Virginia Avenue Tunnel Reconstruction Improvements including a tunnel, railroad tracks and related improvements and appurtenances in a manner set forth in the Record of Decision; and

WHEREAS, pursuant to D.C. Official Code §§ 9-101.01 ct seq., the Government of the District of Columbia ("the District" or "DC") has jurisdiction and control over the streets and public right of way of the District of Columbia; and

WHEREAS, D.C. Official Code §§ 10-1141.01 et seq., 50-921.05 and 50-921.06 authorizes the Department to establish the terms and conditions ("Terms and Conditions") of a Permit for the Virginia Avenue Tunnel ROW (defined below).

NOW, THEREFORE, based upon the above recitals, Permittee hereby agrees to the Terms and Conditions of this Permit as follows:

ARTICLE I Responsibilities and Rights of DDOT and Location of Virginia Avenue Tunnel ROW

- A. Department hereby grants unto Permittee from the date hereof through the duration of the Virginia Avenue Tunnel Reconstruction Improvements the right to occupy and use exclusively the Virginia Avenue Tunnel Right of Way, the location and dimensions of which are substantially as shown in Exhibit A ("Virginia Avenue Tunnel ROW"), for the Virginia Avenue Tunnel Reconstruction Improvements for railroad purposes.
- As of the date hereof, Exhibit A generally identifies the Virginia Avenue В. Tunnel ROW as the area covered by all three build alternatives identified in the DEIS. CSXT shall only be allowed to construct the Virginia Avenue Tunnel Reconstruction Improvements in the location identified in the Record of Decision, if any. Therefore, upon completion of the Virginia Avenue Tunnel Reconstruction Improvements in accordance with the Record of Decision, this Permit shall be automatically and without further action amended to reduce the Virginia Avenue Tunnel ROW shown on Exhibit A to reflect the as-built location of the Virginia Avenue Tunnel Reconstruction Improvements. Within thirty (30) days of the Virginia Avenue Tunnel Reconstruction Improvements being constructed, CSXT shall submit to DDOT an amendment to this Permit to replace Exhibit A with a revised Exhibit A that identifies the revised Virginia Avenue Tunnel ROW based on the actual location of the Virginia Avenue Tunnel Reconstruction Improvements consistent with the Record of Decision and the foregoing provisions of this Article I.B.
- C. Department and CSXT shall cooperate to coordinate CSXT's access to public right of way outside of the Virginia Avenue Tunnel ROW for the operation, maintenance, and safety of the Virginia Avenue Tunnel. Department and CSXT shall cooperate to coordinate Department's activities in the portion of the public right of way proximate to the Virginia Avenue Tunnel ROW to avoid adverse impact on the operation, maintenance, and safety of the Virginia Avenue Tunnel.

ARTICLE II Responsibilities and Rights of CSXT

- A. Permittee shall occupy the Virginia Avenue Tunnel ROW with the Virginia Avenue Tunnel Reconstruction Improvements for railroad purposes. Permittee shall use the Virginia Avenue Tunnel ROW for the purposes aforesaid and for no other purpose.
- B. Permittee shall pay \$10 for this Permit.
- C. Nothing in this Permit shall relieve Permittee of its obligation to obtain any and all other required permits and licenses from other agencies of the District of Columbia, if any, to operate the Railroad Improvements, in the Virginia Avenue Tunnel ROW, or to comply with federal and local laws applicable to Permittee's operations in the Virginia Avenue Tunnel ROW during the term of this Permit.
- D. Permittee shall be solely responsible for and bear all costs related to Permittee's use of and operations in the Virginia Avenue Tunnel ROW.
- E. If any provision of this Permit, or the application thereof to any person or circumstances, shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Permit and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforceable to the fullest extent permitted by law.
- F. Notwithstanding anything contained in this Permit to the contrary, Permittee shall assume sole responsibility for and shall indemnify, save harmless, and defend the District from and against all claims, actions, or legal proceedings arising, in part or in whole, by Permittee's use and occupation of the Virginia Avenue Tunnel ROW.
- G. Permittee shall maintain at all times commercial general liability insurance policies in commercially reasonable amounts for the Virginia Avenue Tunnel ROW and shall name the District as an additional insured thereunder. Notwithstanding the foregoing, DDOT recognizes that CSXT self-insures and need not obtain separate insurance or otherwise satisfy the previous sentence so long as CSXT continues to self-insure.

ARTICLE III Key Officials and Contact Persons

All notices, requests, modifications, and other communications shall be in writing and shall be personally delivered or mailed via first class mail, delivered by overnight courier, or emailed to the addresses below:

A. For DDOT

B. For CSXT

KEY OFFICIAL

Terry Bellamy
Director
DDOT
55 M St SE – 5th Floor
Washington DC 20003
202-671-2740 (office)
Terry.Bellamy@dc.gov

CONTACT PERSON

Matthew Marcou
Deputy Associate Director
DDOT/PSRA
55 M St SE – 5th Floor
Washington DC 20003
202-478-1448 (office)
Matthew.Marcou@dc.gov

KEY OFFICIAL

Louis Renjel
VP Strategic Infrastructure
CSXT Transportation, Inc.
500 Water Street
Jacksonville FL 32202
Phone (904) 359-3770
Louis_Renjel@csx.com

CONTACT PERSON

Stephen Flippin
CSXT Transportation, Inc.
1331 Pennsylvania Ave NW # 560
Washington DC 20004
Phone (202) 626-4931
Stephen_Flippin@csx.com

CSXT and DDOT may change the persons, addresses, and numbers for receipt of notices, requests, modifications and other communications by providing written notice to the applicable Key Official and Contact Person at the last noticed address.

ARTICLE IV Term of Permit, Modification, Termination

- A. The Permit shall be effective on December 21, 2012, and shall remain in effect for the duration of the Virginia Avenue Tunnel Reconstruction Improvements in the Virginia Avenue Tunnel ROW being used for railroad purposes.
- B. Notwithstanding the foregoing Article IV.A or any other provision in this Permit to the contrary, if the Record of Decision (defined above) selects the "no build alternative" for the Virginia Avenue Tunnel Reconstruction Improvements, this Permit shall terminate and be of no further force and effect.
- C. The following shall be the process for the termination of the Permit:
 - 1. The Permit shall terminate only upon written consent executed by Permittee and Department; or
 - 2. Department shall have the right to terminate and revoke the Permit in the event of a major casualty to the Virginia Avenue Tunnel Reconstruction Improvements which damages the Virginia Avenue Tunnel Reconstruction Improvements and materially and adversely impacts (a) the physical structure and stability of the Virginia Avenue Tunnel ROW or, (b) the immediate health, safety, or welfare of the

public using Virginia Avenue, SE. Such right to terminate is subject to the right of the Permittee to cure and may be exercised by Department only if Permittee fails to remove or correct the condition that created the impact on the health, safety, or welfare of the public using Virginia Avenue, SE within a reasonable time or to commence to rebuild the Virginia Avenue Tunnel Reconstruction Improvements as approved by this Permit or as permitted by law, which shall be evidenced by the submission of an application for a building permit within one (1) year after the occurrence of the major casualty, subject to further extension due to force majeure and the application of District or federal law. If Permittee fails to comply with the requirements of this Article IV.C.2, Department may give notice of termination and revoke the Permit by the giving of thirty (30) days prior notice thereof to Permittee.

D. DDOT and CSXT shall retain each of their respective rights under and expressly reserve and do not waive any rights or remedies under applicable federal laws and acts including Ch. 29, 78 Acts of Congress (February 5, 1867) (the "1867 Act"), 16 Stat 3 (March 18, 1869) (the "1869 Act"), 16 Stat 78 (March 25, 1870) (the "1870 Act"), 31 Stat 767 (February 12, 1901) (the "1901 Act" and collectively with the 1867 Act, 1869 Act and 1870 Act, the "Acts"), Section 10501(b) of the federal Interstate Commerce Commission Termination Act of 1995, 49 U.S.C. § 10501(b) and Section 20106 of the Federal Railroad Safety Act, 49 U.S.C. § 20106, all of which are expressly preserved and not waived. In furtherance of the foregoing, the parties hereto recognize that the Virginia Avenue Tunnel Reconstruction Improvements are integrally related to interstate rail commerce and railroad operations. This Permit shall not affect either of DDOT or CSXT's rights pursuant to the foregoing nor is this Permit intended to convey title or provide proof of ownership of the public right of way by Permittee.

ARTICLE V Required and Standard Clauses

- A. **Assignment.** CSXT may transfer or assign the Permit in connection with a transfer or assignment of the railroad operations conducted in the Virginia Avenue Tunnel ROW.
- B. **Confidential Information.** Department and Permittee will use, restrict, safeguard and dispose of all information related to the Permit and these Terms and Conditions, in accordance with all relevant federal and local statutes, regulations, and policies.
- C. Recitals. The Recitals are incorporated by reference.

Signatures on Following Page

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed on the date specified below.

CSX TRANSPORTATION, INC.

By:

Name: Peter J. Shudtz

Title: Vice-President and General Counsel

DISTRICT OF COLUMBIA, by the District Department of Transportation

By:

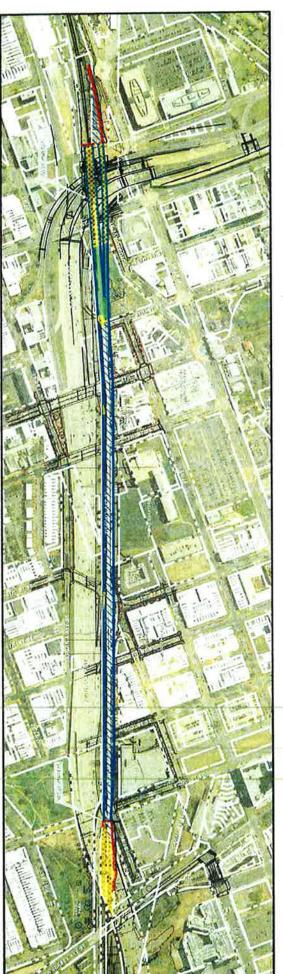
Name: Verry Bellamy

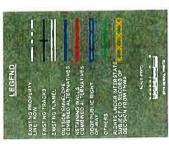
Title: Director

EXHIBIT A

[Depiction of Public Right of Way under Virginia Avenue, SE generally from 2nd Street, SE to 12th Street, SE used for CSXT's Virginia Avenue Tunnel Reconstruction Improvements]

EXHIBIT A TO TO OCCUPANCY PERMIT PERMIT # DATED





ACKNOWLEDGED
DDOT _____
CSX___
DECEMBER 21, 2012

Pre-Draft EIS Public Comments

Capital Reporting Company Virginia Avenue Environmental Assessment 09-14-2011

1

VIRGINIA AVENUE ENVIRONMENTAL ASSESSMENT

SECTION 106 PUBLIC SCOPING

Van Ness Elementary School

1150 Fifth Street, Southeast

Washington, D.C.

September 14, 2011

6:30 p.m.

Reported by: Gervel A. Watts, CERT*D

- 1 life for it.
- 2 Also, we could have a toxic drinking water
- 3 condition because there are oil tanks and gas pipes
- 4 buried under the 11th Street Bridge. It's still there.
- 5 It's still in the ground. The area was called Pipe
- 6 City and Iron City, with all the pipes and everything
- 7 there. So the Pipe City goes from 1200 Potomac Avenue
- 8 and ends at the Souza Bridge.
- 9 The Navy Yard made ammunition and cannon
- 10 balls a long time ago and they're still buried there.
- 11 So to start digging up on this without having the
- 12 complete environment checked, not just into the soil
- 13 conditions, but also to this oil tanks and gas pipes,
- 14 you would need to get the complete Environmental
- 15 Protection Agency assessment on that.
- This is very bad idea. For us, the
- 17 homeowners, there's nothing good in it. I wish I could
- 18 stop it. Thank you.
- 19 +2: What would be involved in
- 20 getting the area that is just behind Garfield Park
- 21 declared a quiet zone so that the -- and I think that
- 22 would involve getting a waiver of the requirement that

- 1 the trains blast their horns prior to entering the
- 2 tunnel and after exiting the tunnel.
- 3 The noise of the horns is extremely loud
- 4 today, and with more trains coming, it would be a real
- 5 disturbance in the community. It makes no sense to me
- 6 to have trains blasting their horns in the middle of
- 7 the night as they're going through a residential
- 8 neighborhood and as they're passing by a park that's
- 9 heavily used.
- 10 So I would just urge CSX to do everything
- 11 possible to get a waiver of that federal requirement
- 12 and to have this declared a quiet zone. Thanks.
- +13 Hi. My name is
- 14 Southeast,
- 15 D.C. The garage in my house, both entrances are off of
- 16 Virginia Avenue between 3rd and 4th Street.
- 17 I'm just concerned about any potential
- 18 closures due to the construction on Virginia Avenue
- 19 that would ultimately result in the blocking of access
- 20 to our garage. So I hope that as part of the plan that
- 21 there are contingencies made to ensure that the people
- 22 living on my block and on the other blocks, who could

- 1 potentially be affected by any closure of Virginia,
- 2 would be able to maintain access to the garage and to
- 3 our property.
- 4 So I just wanted to state that to make sure
- 5 that that was a consideration and that whatever
- 6 direction the construction took, that that access would
- 7 be maintained in some way. Thank you.
- 8 I want to know what streets
- 9 they'll have accessible for wheelchairs and what
- 10 provisions they'll have for walkers, for people who
- 11 walk a limited amount, so they won't have to walk for
- 12 blocks and blocks.
- 13 I want to know where the transportation is
- 14 going to be, like the buses. I want to know where the
- 15 cars are going to park, that kind of thing. We have
- 16 the home health aides and things coming into the
- 17 building how far away they'll have to park.
- 18 I want to know what the quality of the air
- 19 will be like from the dust that the dirt makes and the
- 20 fumes that come from the trucks and things like that,
- 21 affecting the seniors and things like that because they
- 22 have health issues. So I guess it would be anybody who

Capital Reporting Company Virginia Avenue Environmental Assessment 09-14-2011

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has a health issue. Okay. Basically, that's it.
                      (Whereupon, at 8:30 p.m., the
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                      proceedings were concluded.)
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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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Problem - especially to residents on F Street	
	_
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Please return your comment cards tonight or mail to the following address by October 14, 2011.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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et a done deal? When will it start?
Where will it start? If I we must relocate
because of work & cannot pell on home because of the mess, what assistance will you provide please return your comment cards tonight or mail to the following address by October 14, 2011.
of the men, what assistance will you provide
Please return your comment cards tonight or mail to the following address by October 14, 2011.
Stephen L. Plano Parsons Brinckerhoff Stephen L. Plano

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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I am concerned about the lack of details regardens the project.

I have seen a lot of info presented from a 30,000 foot perspective, but as someone who lives on Virginia Avenue, I am particularly intensted in the specifics, including but not king ted to:

How close to my foot door will the temporary track be during construction?

How serve can I feel about my have of foundation during dapter construction what assurances will you provide homeowners to protect their properties?

What compensation will you provide while homeowners are inconveniented during construction? What provides while homeowners are inconveniented to VA Are veridants? What about another provides will be made to allow vehicular actors to VA Are veridants? What about another emoring emorgency of service vehicle actors? The last consus count for DC did not include veridonts of Cop. tol Over what steps will you take to make us in the numbers of people who live hore?

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TUNNEI.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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Please return your comment cards tonight or mail to the following address by October 14, 2011.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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Please return your comment cards tonight or mail to the following address by October 14, 2011.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

You may also email your comments to contact@virginiaavenuetunnel.com

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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Do you have any comments i	regarding the project?	

to story

[CSX]

As a resident of 9th 6 Potomac Ave near the VA the Park, I'm very concerned with the effects of this project on my neighborhood and what to expect if this project takes place. Namely I'm concerned about the following: the safety of the project 6 potential impact on structural property damage; noise control; closed roads 6 snarled traffic 6 inability to park on our streets which is already a problem in this area near our homes; pollution or contaminants; the length of time this project is proposed to take; the overall disruption to our guiet reighborhood; any impact it will have after the project is completed which is still unknown; the potential effects it could have on the resale / property value of our homes.

Did the meeting answer your questions? If not, please explain.

Not necessarily. I think due to the structure of the neeting it didn't allow for one uniform message to be told about the plans for the project. In fact in discussion with some of my neighbors and others after the meeting, some were told different information or provided with information that others may not have thought to ask. So while the open forum allowed people to come & go and not be restrained by timing, it would have been nice to maybe have one speaker talk during 15-30 min interals with the same message to provide an overall understanding of the project. Particularly for those who were hearing about this project for the first time and may not have known what questions to ask.

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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dirt) to fit the double stack containers, correct? It so,	_
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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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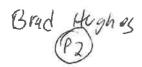
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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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944 Poss-0:417 You may also email your comments to contact@virginiaavenuetunnel.com LEARNED NOTHING - THAT WAS THE INTENDED PURPOSE OF MESTING, JUST HELD BECAUSE THE LAW ACQUESTS IT D 9.22/2011

Parsons Brinckerhoff

Washington, DC 20005

1401 K Street NW, Suite 701 PATE NITH DIE RE GOLS

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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trains during the period of construction and potentially through an open trench. This will have a direct, negative impact on the homes which are located less than 20 feet away from the impact site of construction and the proposed temporary track.

How will CSX ensure that this temporary track does not negatively impact the quality of life for my family, including two newborns (due in October 2011) and my home, which is located on the

corner of Virginia Ave and 4th St. SE?

This trench would potentially have more than 30 trains running through while ESX expands the tunnel to hold two additional tracks that will be capable of double-stacked trains. An open trench with construction and moving freight creates major Safety and envisonmental concerns for our children, families, and homes, including:

· access to our homes

· air quality for babies

· foundational integrity of the homes along the Virginia Au · noise impact during construction

·quality of environment after construction is over

· etc.

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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Please return your comment cards tonight or mail to the following address by October 14, 2011.

Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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Parsons Brinckerhoff
1401 K Street NW, Suite 701
Washington, DC 2000S

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there are several concerns that need to be addressed in the scape: people impacted needs to be a Aiculated. The 2010 Census deduct captine residents in the new town houses at capital quarter. particularly shere are going to be & children under the cege of beliving on the block and more suseptible to problems with Containinent Sthat reed to be taken into consideration -Dwhat are the alternative temporary routes during the constructions Can trains run on tracks on tracks around Nortolk or Arecostia Rever? after is laid for the construction, I am concerned not please explain. 6 I'm concerned aloon may cause explosions ondit 8) Concerned Concerned about utilities being emergency vettiles houses for fire, ambulence, etc, 11) Concerned about Configure park on virginia Ave both 3rd +4 5t being being made unuseable gatherine place for children and dego playing together, 12 Lashhama issues from the dust track construction and running Is do of house and HVAC Styller due to clust levels.
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Reguest that CSX delow explore the feasibility and co.
of routing train freight trains via & (what is currently) the passenger train (ATRAK) line that goes through UNION STATION as an interim route while the Virginia Ave tunnel
the passenger train (AMTRAK) line that goes through UNION
STATION as an interin route while the Virginia Ave tunnel
is under construction.
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FHWA should at start over and redo the meeting. The meets
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the planners had tried.
By presenting information in small groups, and keeping the greateral ardience from heaving others' questions, DDOT and FHWA prevented the local community from being able to
general ardience from heaving others' questions, DDOT and
FHWA prevented the local community from being able to
speak with one voice, and collaborate to accorately provide
speak with one voice, and collaborate to accorately provide input on scoping the project.
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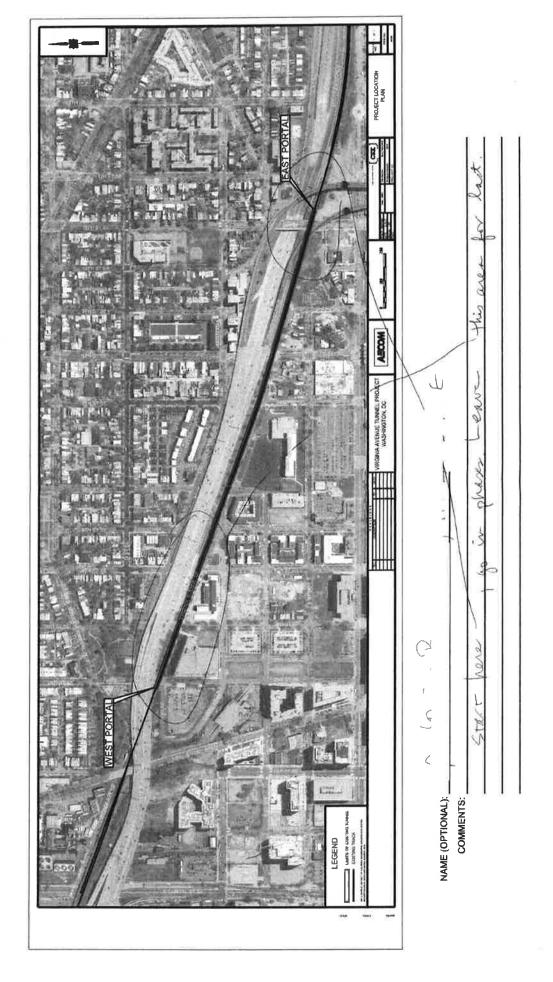
VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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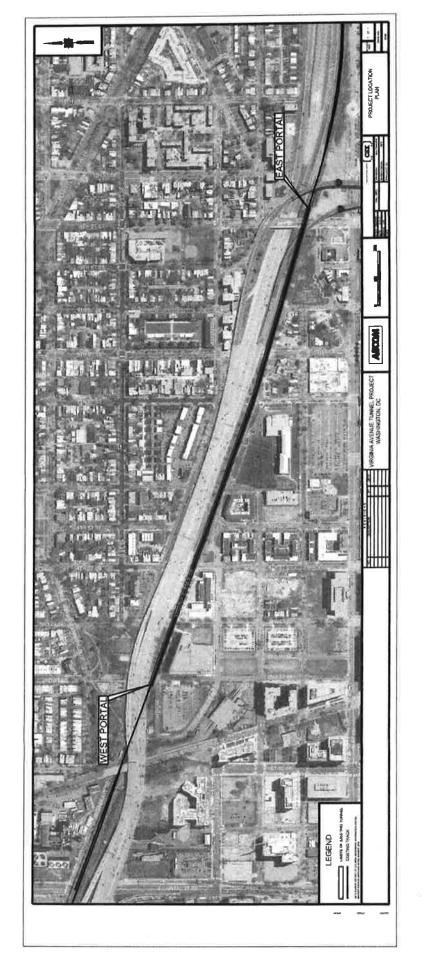
VIRGINIA AVENUE TUNNEL ENVIRONMENTAL ASSESSMENT AND SECTION 106 PUBLIC SCOPING MEETING Washington, D.C. (September 14, 2011)

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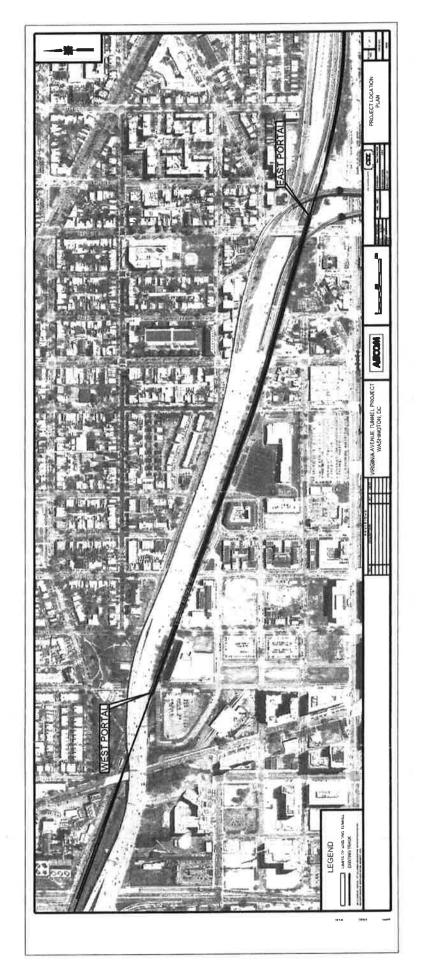
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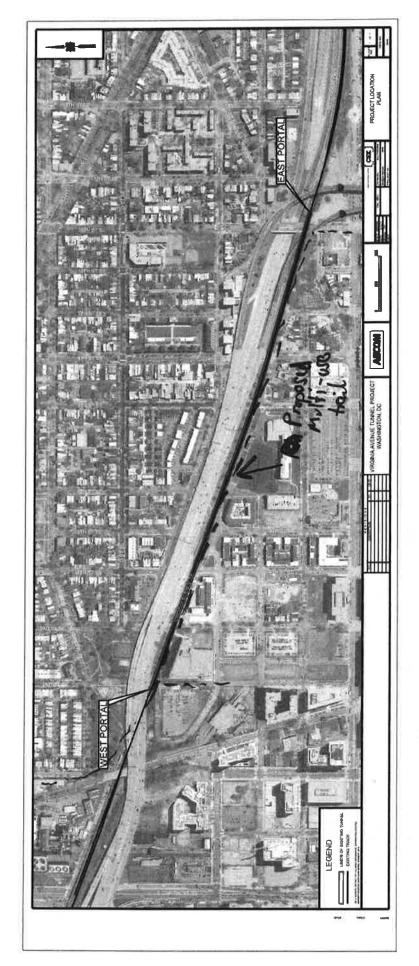
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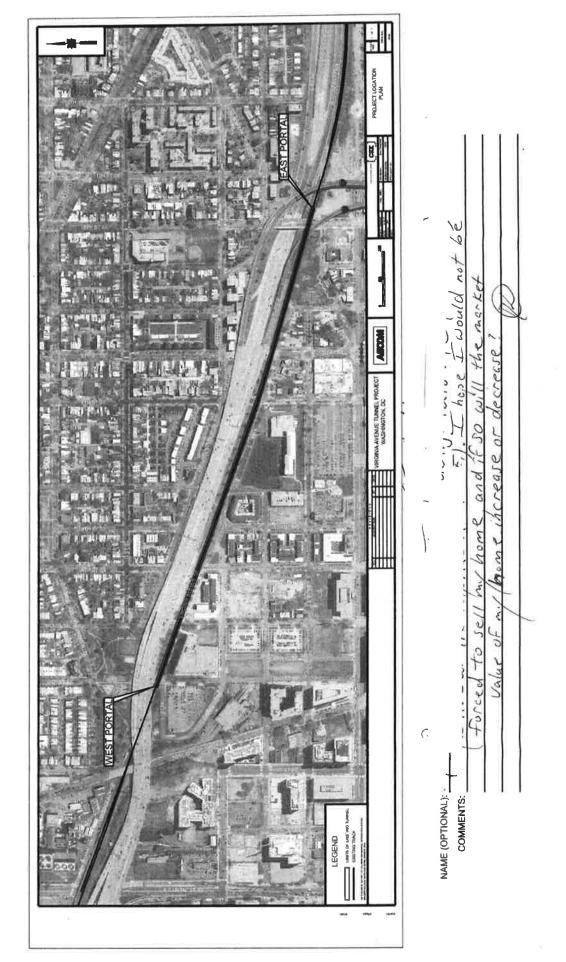
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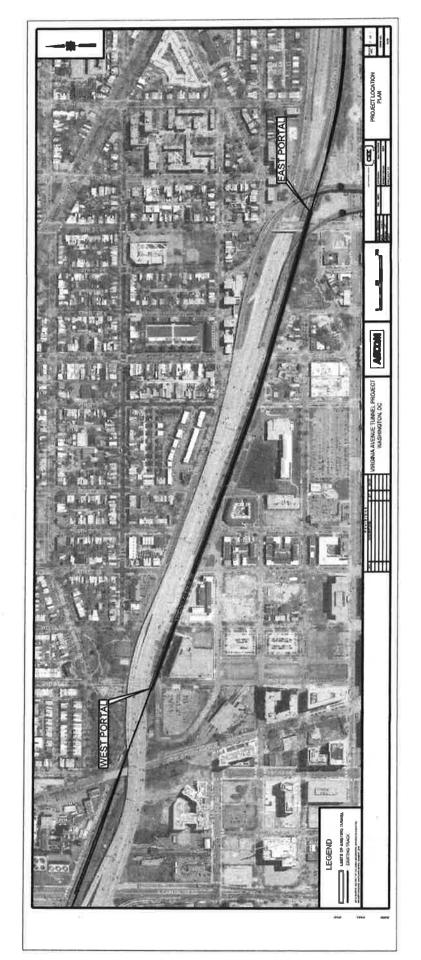


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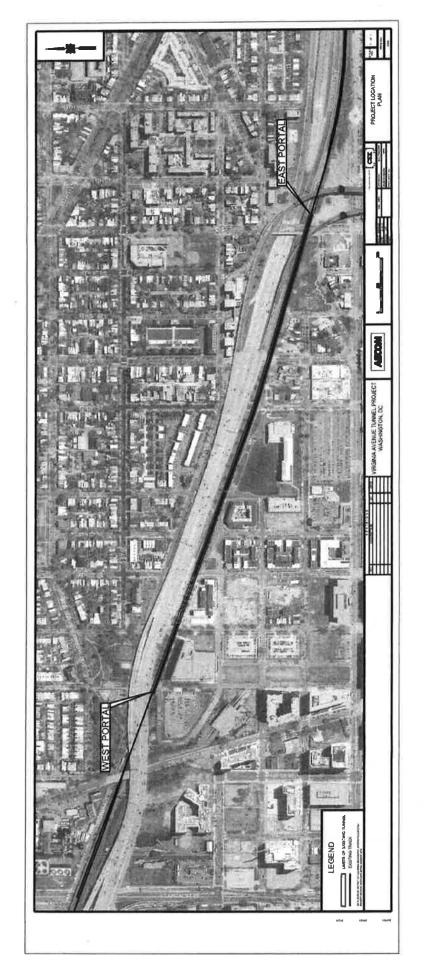
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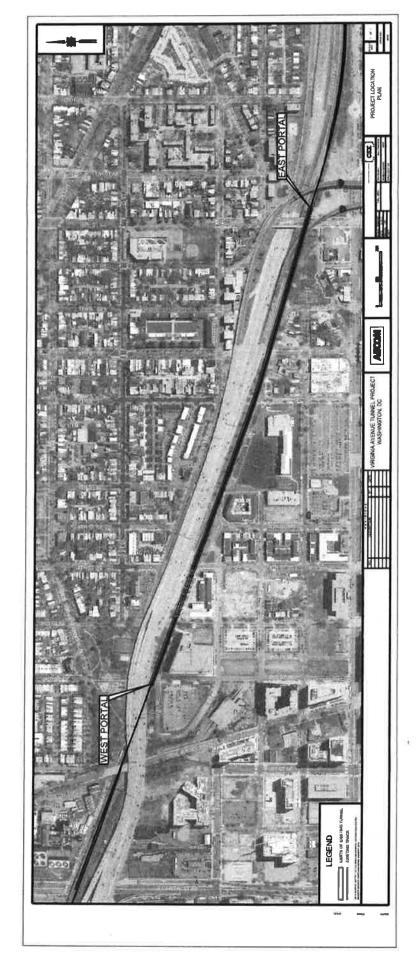


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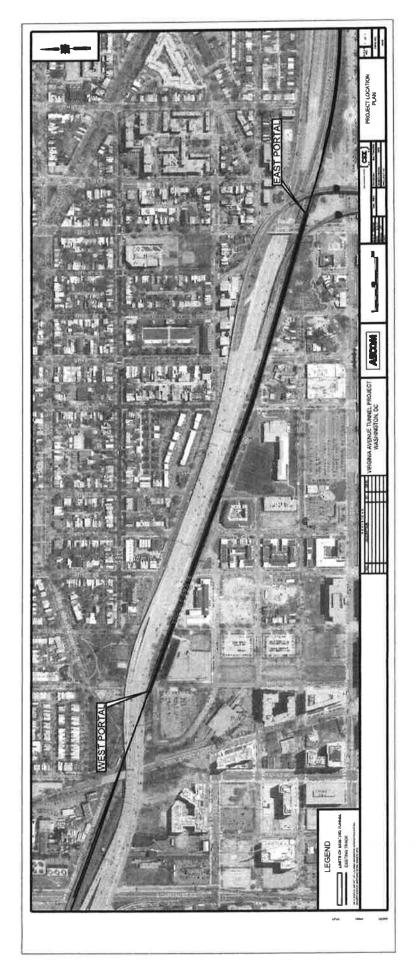
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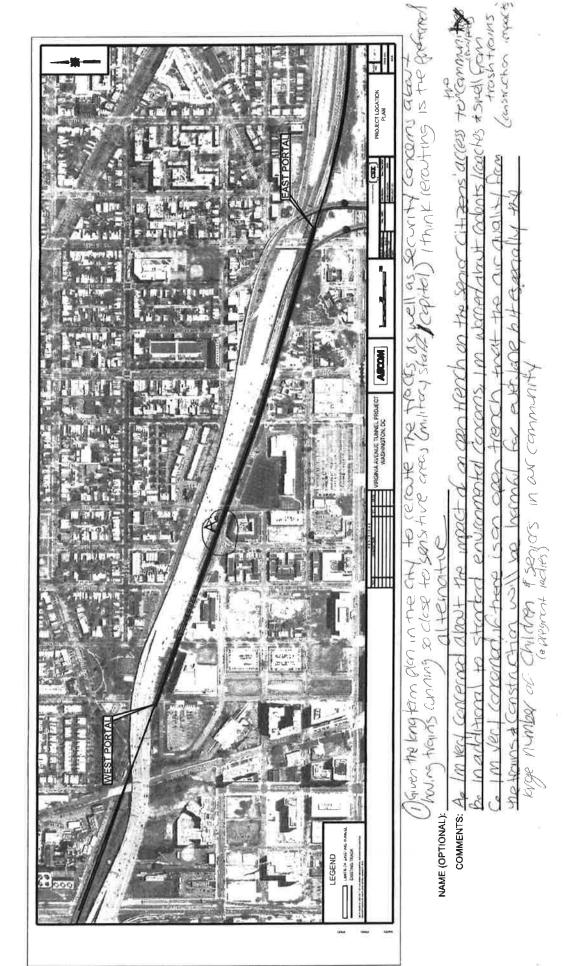
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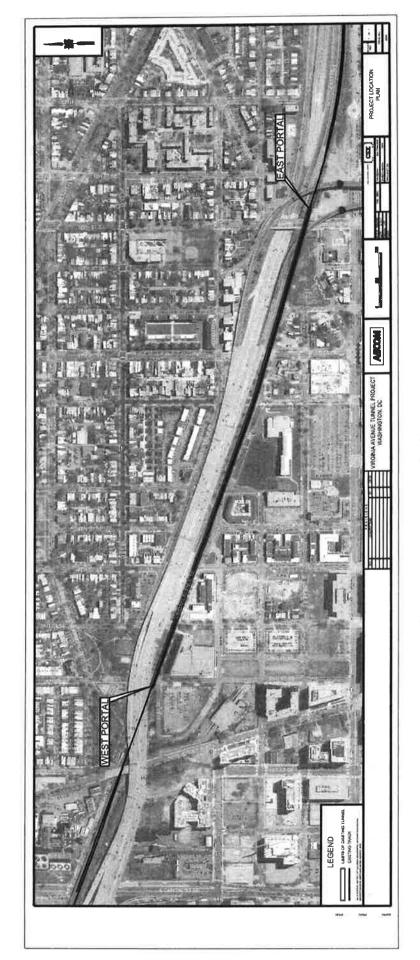
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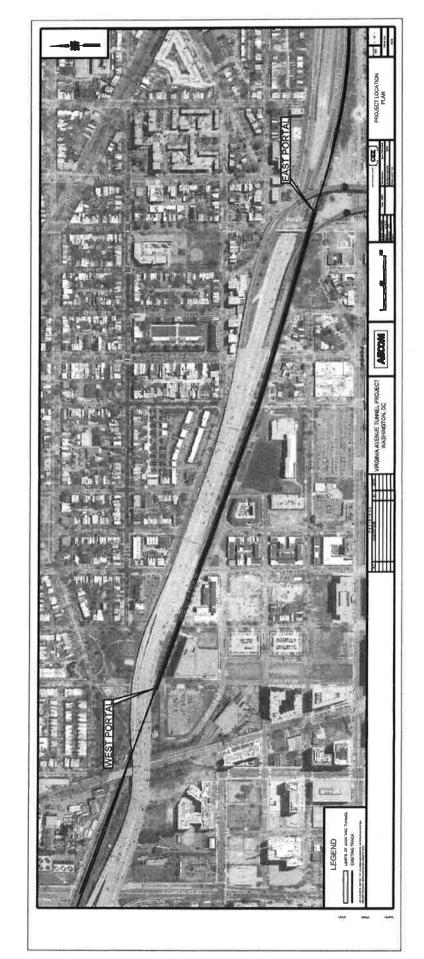
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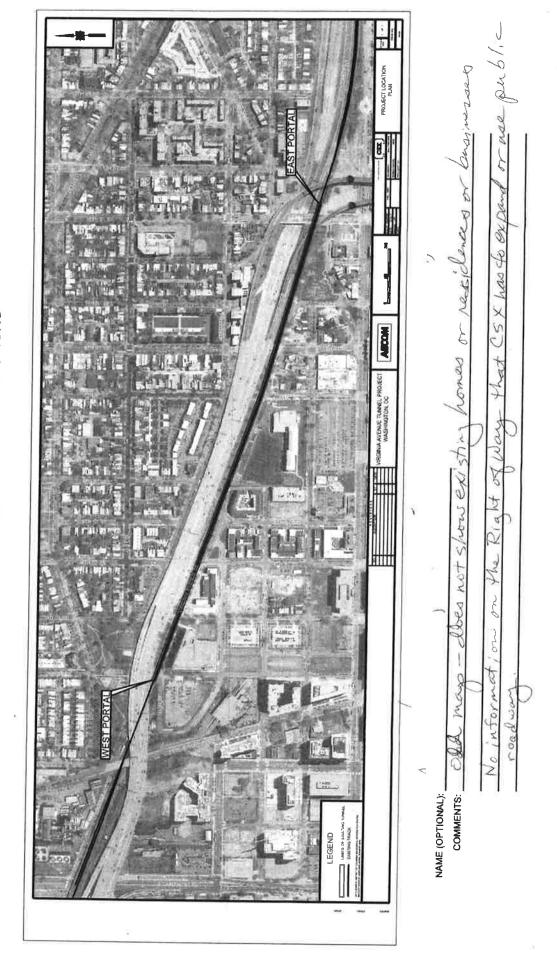


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Date: October 6, 2011 11:16:15 AM EDT **To:** contact@virginiaavenuetunnel.com

Cc: Michael.Hicks@dot.gov Subject: VA Ave Tunnel

CSX, Mr Hicks:

I am writing in regards to the VA Tunnel meeting and concerns I have as a resident of the Capitol Quarter housing. I live at so will face the worst of this project. Unfortunately, the

meeting did nothing to explain the upcoming CSX project so there is little to comment on specifically. It was more of a PR stunt it seems to try to make good with the community, much like the loads of money being donated to local festivals to try to show CSX in a pleasant light before they dig up our community for several years, potentially having a long lasting financial impact on a DC project that has already been ruined once by the economy.

My concerns include those of safety, economics, and aesthetics.

know firsthand the harmful effects of environmental toxins on the neurologic systems of children. Botulism spores are in the soil in the northeastern portion of the US including DC, and have a potentially lethal effect on newborns between birth and 1 year of age. On our block alone, most homes are occupied by young families that plan to have children, many of which will likely be in this age range during the proposed construction; several are pregnant at this time. Other infectious agents include fungi like Aspergillus, Legionnaires, and a variety of others that are associated with significant morbidity and potential mortality. Fumes from the actual train itself, possible asbestos or other toxins used in the tunnel during early 1900s construction, garbage going through tunnels, hazmats are all legitimate concerns as well.

Economically, the train will impact the entire community. From home values in the entire Navy Yard and southern Capitol Hill neighborhoods, to inconveniences to Nationals Stadium, the variety of restaurants opening in the area, the effects are widespread. The community will have no benefit from the train but instead many detriments. My personal home will likely be un-sellable during the construction phase as well.

Aesthetics are obvious. From the possibility of a torn up VA Ave for years, to the piles of debris and dirt that will exist, to the front yard I now call my own being gone, the community will be a mess.

I believe the solutions are two-fold: what we do during construction and what happens after.

During construction, there are several alternatives. A simple solution would be do perform the proposed tunnel work entirely underground, or at least on residential blocks (3rd to 5th St). The cost of this would clearly be escalated, however the avoidance of potential toxins and lawsuits against the DOT and CSX would be likely outweigh this quickly. Utilizing the north side of the highway also would minimize our effects, however may adversely affect other homes. A "zipper approach" would another alternative, meaning start the ripping up of VA Ave on the 12th St side, opening the 2nd St side last, then perform the necessary construction first on the 2nd St side and close it, working back towards 12th St. This would leave the

residential blocks open the least amount of time at no additional cost. Similarly, open sections at a time for 1-2 block radii, starting on our residential blocks, and ending on the 12th St portion, thereby affecting us the shortest time and the soonest, so we can move on as originally planned. Ideally, burying the entire freeway would be best for our community and DC as a whole, thereby creating an extension of Garfield Park thru the city. Compensation during construction should also occur - soundproofing homes and windows (via a subcontract with EYA to allow for rapid installation, etc), constructing sound and other barriers to noise, abiding by DC quiet hours (7-7 daily), rerouting train traffic during the project, maintaining access to our garages and homes, including emergency vehicle access to the backs of our homes. A financial compensation should be given to allow for owners to move to alternative residences during construction, or sell their home at a value comparable to neighbors not on the block.

After construction, many possibilities similarly exist. Large mature trees close the highway and back in our front yards (assuming they are pulled during construction) would be expected. Sound barriers on the freeway similarly would improve the community, and considering the random gunshots from the highway in the past week, a necessity.



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Home

Organizations

Individuals

Calendar

Мар

Manual

Team

Add an Organization

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Export Contact Info

Materials

Inquiries

Search

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There is no organization associated with this individual,

Topic(s) of Interest: Air Quality, Appearance, Commute, Construction Staging/Storage, Effect on Neighborhood, Noise, Parking, Public Safety, Traffic Inquiry Source: VAT.com email

Date: October 10, 2011 - 2:44pm Kenneth Thompson goklt@aol.com

- 1. Comments regarding the project.
- a) How will vehicles and pedestrians/homeowners access their homes on Virginia Ave b/t 3rd and 4th St?
- b) Will there be an open trench on Virginia Ave.?
- c) If foundation damage to the existing home occur, who is responsible?
- d) How will air pollution, dust contaminants, and the like be contain by CSX?
- e) If our home were to become uninhabitable during the project due to unforeseen circumstances, who is responsible?
- 2. Did the meeting answer your questions? If not, please explain.
- a) No, the initial "meeting" was not a meeting. It was more of a show and tell. Information was not forthcoming. Still seems like a mystery to CSX and others about the details of the whole project. We should have one on one contact with a real person and point of contact.

Thanks

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How tomorrow moves

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Organizations

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Materials

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Organization Details

There is no organization associated with this individual,

Topic(s) of Interest: Commute, Construction Staging/Storage, Parks, Public Safety, Traffic, Worksite Security/Safety Inquiry Source: VAT.com email

Date: October 12, 2011 - 5:42pm

Dear Virginia Avenue Tunnel NEPA Scoping Process,

I am writing to submit three comments in addition to the card I turned in at the public meeting. Please consider these issues during the NEPA scoping process.

1. Alternatives

It is very important that all alternative options are considered that stop the need to reconstructing the VA Tunnel and/or to dig a temporary trench along Virginia Ave during reconstruction inside the tunnel. Alternative routes are possible on existing rail lines around the tunnel location, especially using an alternative temporary re-routing during any construction that happens inside the VA Tunnel. Building a temporary adjacent track on Virginia Ave is the most detrimental option and it is not the only option.

For example, my understanding is that CSX is going to great extremes to exclude the Howard Street Tunnel from their "National Gateway Project." Just like the Virginia Avenue Tunnel, the Howard Street Tunnel cannot accommodate doublestack railcars. CSX's existing Baltimore marine facility is north of the Howard Street Tunnel. In order to unload doublestack containers from ships north of Baltimore and put them on trains going south through DC and on to North Carolina, CSX would have to replace the Howard Street Tunnel much like they are doing the Virginia Avenue Tunnel, However, they are not touching the Howard Street Tunnel, Instead, they are moving their marine facility to the south side of Baltimore in order to avoid the tunnel, I suspect cost partially motivated that decision, but I also think that they thought it was socially, politically, and due to safety concerns impossible to increase traffic through that tunnel and undertake an extensive construction project. So when their master plan is all complete they will still have a big section of their Northeast tracks that will not be able accommodate doublestack cars because of their inability to replace Howard Avenue Tunnel. The same social, health, political, and safety concerns exist at the Virginia Ave Tunnel and there needs be an alternative to this proposed project like at the Howard Street Tunnel.

2. Danger to public health and safety (past derailments)

2. Danger to public health and safety (past defairlefts)

CSX derailments are a very real and large concern about this project both in terms of adding additional traffic in the tunnel and in terms of building any sort of temporary track.

Some of the most disturbing examples come from the Baltimore derailments, including the 2010 derailments when a 79 car long train had 13 of them leave the track. One car was carrying fluorosilicic acid which is corrosive and may cause fluoride poisoning; inhalation of the vapors may cause lung edema

The July 2001 Baltimore CSX train derailment in th Howard Tunnel consequences were even more serious and problematic, Many more cars derailed and sparked a chemical fire that raged for five or six days and virtually shut down the downtown area. Manhole covers were exploding into the air three weeks later as a result of residual chemicals left in the Baltimore sewer system

These TWO CSX related train accidents in less than 10 years time illustrates the seriousness of the potential impact such an accident could have on our residents, community, as well on the Capitol complex in general, I am not trying to be an alarmist, but I do believe that these are serious risks with potentially life threatening consequences. I am not an expert on how to mitigate these concerns or if they can be mitigated, but at the very least there must be a way for CSX to install fire and chemical supression systems within the existing tunnel and any temporary tunnel to lessen, if not stop, any serious and lasting effects of a fire or spill. In addition the scope of the type of trains, frequency, and amount of chemicals or other dangerous materials carried in the train must be examined

3. Trees and Barrier between Houses and the Freeway
Removing trees along Virginia Avenue would create neagtive impacts includung: Ecological (trees protect again air contaminents, especially those coming off the highway), Asthetic (trees are visually pleasing and block the ability to see cars passing on the freeway), Economic (large trees increase property value) and Social (these trees create a welcoming gathering place for neighbors). Attached is a photo of Virginia Avenue trees from my living room to show you just how important they are to my view and the street and help you better imagine the negative impacts that will be created by removing these trees.

Mitigation for removing trees needs to include more than just replacement of trees and landscaping. As mentioned above, trees have more than just an ecological impact, Imparticular, the trees play a large role in creating a barrier or separation between the residential houses and the freeway. Mitigating the removal of the trees should include another way to create a separation between the freeway and the houses. For example, mitigation could include putting up a visual or noise barrier on the top of the freeway will to block the sight of cars, like the trees did previously. Or, an option is to just put up a sound barrier as a trade off for losing teh visual barrier. Another option is to reduce the impact of the freeway by replacing windows of residents that face the freeway with triple paned and strengthened glass.

As you may know, in early October one of the neighbors houses on Virginia Ave was shot by a bullet from the freeway. This was a very jarring experience for the residents of Virginia Ave and strengthen our arguments about how important it would be for the Virginia Avenue Tunnel to add mitigation of the freeway into the scope if the Virginia Ave project is changing our perceived and real separation and safety from the freeway. Attached are two photos of the highway barriers used on the Woodrow Wilson Bridge that are actually very modern and made of clear glass that are an example of especially asthetically pleasing barriers.



From:

Sent:

Thursday, October 13, 2011 11:01 PM

To:

Hicks, Michael (FHWA)

Subject:

VAT project/Capitol Quarter

Dear Mr. Hicks,

I'm sending along my comments to the Virginia Avenue Tunnel project, hoping to keep you informed about our community concerns with CSX's construction plans.

Thank y	οι
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We are in the Capitol Quarter community and heartily concur with the concerns given in the CQ HOA letter. I am unhappy about the community input process as executed by CSX regarding the Virginia Avenue Tunnel for the following reasons:

- 1. When I attended the community meeting, there was very little information about what this tunnel project would look like and how it may affect quality of life in our neighborhood. In less censored times earlier on, word leaked that the dig might involve 24-hr floodlights, a 100 ft. wide open trench, and years of construction noise. Now CSX is clamming up about any details that might affect our community. Even with the restrictions of the NEPA process (which CSX blamed for the lack of information) wherein community comments must be gathered before action is taken, SURELY CSX has projections of what a work area might look like based on the dozens of other projects they've undertaken in the past decade. We're not talking about landing a train on an asteroid here; this is territory that's been trodden before.
- 2. We cannot do our part regarding community input if we don't have basic information to work with. How can I object to floodlights and open trenches if I don't know they're planned? How can I insist that CSX make certain accommodations regarding traffic if they have released no traffic flow plans or information about road closures and how long they might last? If this is to be a valid process, real information and projections must be shared.
- 3. CSX had over 2 dozen people (PR firms, employees, photographers, etc.) in attendance and none of them were able to provide substantive answers to questions offered by the community (besides pointing to the signs on easels). Clearly CSX spent a great deal of money on staffing, which led many of us to wonder what their priorities are. We don't want dozens of friendly greeters, we want information.
- This is an information sharing age. I would suggest that a comment forum be set up wherein comments shared re: VAT may be read and actually shared. Right now all the community comments disappear into the website. Who reads them? What does CSX do with them? What does VAT do with them? The potential for people to misrepresent our community's concerns or the volume/type of correspondence they receive is completely possible and we can't protect ourselves from that.

Thank you,



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Мар

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Capitol Quarter Homeowners Association NEPA Scoping Public Comments Statement on Virginia Avenue Tunnel Project

Individual Details

Bruce DarConte Title: President

E-mail: capitolquarter@gmail.com

Organization Details

Organization: Capitol Quarter Home Owners Association Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Air Quality, Appearance, Claims Process, Construction Staging/Storage, Construction Timeline, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Requests, Traffic Inquiry Source: VAT.com email

Date: October 13, 2011 - 8:25pm

Oclober 14, 2011 Parsons Brinckerhoff! Attn: Virginia Avenue Tunnel Project! 1401 K Street NW!, Suite 701!

Washington, DC 20005 Subject: NEPA Scoping Public Comments Statement on Virginia Avenue Tunnel Project The Capitol Quarter Home Owners Association Board of Directors (HOA) is submitting this letter on behalf of the residents of Capitol Quarter to bring to your attention the rins letter on benand the residents of capitor Quarter to bring to your attention the concerns of our community about the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Project. These comments are the result of countless hours of input and communication between and among community members, CSX, public officials, and other relevant National Environmental Policy Act (NEPA) parties. We recognize that each individual homeowner's or resident's concerns about this project may not be reflected in this letter, and the HOA enthusiastically encourages all homeowners and residents to continue to use all appropriate channels to provide NEPA feedback of their specific interests. This letter reflects issues of concern that impact the greater Capitol Quarter community.

Below you will find a brief description of the Capitol Quarter and Capper community.

After that is a list of community questions and issues which we respectfully request be addressed during the NEPA process, Please note that we have attempted to identify impact items within the general impact categories identified in public materials available about the NEPA process. Some of the items appear under more than one heading due to the multiple, potential impacts,

The Capitol Quarter and Capper Community

The Capitol Quarter and Capper Community is a community encompassing the area bound by Virginia Avenue SE to the north, 6th St., SE to the east, 3rd St., SE to the west, and M St., SE to the south. There are more than 485 housing units, most of which have multiple residents

Parsons Brinckerhoff October 14, 2011

Page 2

Capilol Quarter consists of 323 units. The 161 units in Phase I were completed and occupied by August 2010. The second phase of an additional 162 units are over 60% pre-sold at the date of this letter and will be occupied as they are constructed through the end of 2012.

Capitol Quarter is a new community being re-built on the previous site of the Arthur Capper/Carrollsburg Housing Project as part of the Federal HUD Hope VI program. Capitol Quarter homes include affordable apartments for rent through the DC Housing Authority, affordable workforce homes for purchase and market-rate townhomes starting in excess of \$700,000. All of the townhomes are built to LEED for Homes green building standards.

Additionally, there is a one-for-one replacement of all affordable units from the previous Capper Project, which includes but is not limited to 162 affordable senior units that were re-built as the Capper Seniors I building is located at 5th and Virginia Avenues, SE and

132 affordable/workforce units located at 400 M Street SE, Capitol Quarter is an economically and racially diverse community with ages ranging from newborn babies to elderly residents. Please note that the 2010 census is not an accurate resource for collecting and assessing demographic information about Capitol Quarter because the census was completed in April 2010 before a large number of the residents moved into their homes.

Scope of VA Avenue Tunnel Project

Over the last eighteen months, CSX has held numerous community meetings about the VA Avenue Tunnel Project in anticipation of starting the NEPA process. At those meetings CSX presented information to the Capitol Quarter and surrounding

communities about their goal of adapting the current VA Ave Tunnel to accommodate the double tracking and double-stacking of trains routed through the tunnel. They have proposed digging an open trench the entire width and length of Virginia Avenue from 2nd St., SE to 11th St., SE to widen and deepen the existing tunnel under the roadway and construct temporary train tracks to use during the construction inside the tunnel. These temporary tracks would allow CSX to run trains day and night for at least three years along the northern boundary of the entire community and possibly within a few feet of some of the Capitol Quarter residents' homes.

However, we believe this is only one option for how project design and construction may proceed, and we request that this scoping process expand to include consideration and assessment of all other alternatives for how the end result can be achieved with fewer negative impacts to our community and property. We are concerned for our quality of life, the safety of ourselves, our children, our guests and our pets, the effects on our health from dust, noise and pollutants, the impact on the environment, the disruption to traffic and the social environment as well as to the continued development of commercial activities within the area, and the obvious detriment to property structures

October 14, 2011

Page 3

and property values and overall loss of appeal of the neighborhood that will occur during this project and possibly beyond.

Alternatives

We recognize that the project, as conveyed to us in previous meetings, will be significantly disruptive to our community. Therefore, we particularly request that the scope include a thorough evaluation of alternatives to the re-construction of the existing lunnel as well as solutions for alternative train routing during the re-construction

Alternatives to the reconstruction of the existing tunnel may include, but not be limited

 No tunnel rebuild. What is the alternative to widening the Virginia Ave Tunnel? Can trains be re-routed onto other existing tracks that do not pass through the Virginia Avenue Tunnel? Can trains use the Baltimore Corridor Line instead of the tunnel? Or share passenger rail lines? What is the cost and timeline to implement these alternatives? Are the recommendations of previous and current National Capital Planning Commission (NCPC) studies being considered as alternatives, and if not, why?

Allowing temporary tracks to be built along side the existing trench will likely cause

some of the most extreme negative environmental, social, and economic impacts for the Capitol Quarter community and the surrounding areas. Therefore, avoiding this contiguous temporary track scenario during the construction phase may have the least impact to the community. Alternatives for train routing and traffic during the construction

may include, but not be limited to:

Running trains inside of the existing tunnel during the tunnel construction phase.
Can the reconstruction of the tunnel occur at the same time as trains continue to use the tunnel? What are the impacts, costs and construction timeline to have work on the tunnel occurring while trains are also using the tunnel?

• Temporarily rerouting train traffic away from the Virginia Avenue Tunnel during the tunnel construction phase, if trains cannot run in the Virginia Avenue tunnel during construction, what is a comprehensive list of alternative routes, including the sharing of passenger tracks, that can be used around the tunnel and that would not involve building a new track next to the existing tunnel during the construction phase? What are the impacts, costs and construction timeline for trains to temporarily run on other existing rail tracks that run around the city? Can night trains run on Norfolk-Southern rail line, thereby minimizing sleep impacts? If, after a thorough examination of all alternatives for re-routing traffic away from the tunnel improvement area, it is determined that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction, then we Parsons Brinckerhoff

October 14, 2011

Page 4

would request that the temporary trench be covered, especially in the areas where there are residents, It is our understanding that such "cut and cover" methods have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro system,

We would be interested in having CSX provide more defined information about the nature and frequency of train traffic through the area currently, during construction, and after the project has been completed.

How many trains are currently running through the VA Ave Tunnel during a

typical 24-hour period?

• How many trains are anticipated to be traveling during a typical 24-hour period

through the temporary trench/track during the construction phase? Related, how many, if any, of these trains will include double-stacked rail cars?

How many trains are anticipated to be traveling during a 24-hour period through the reconstructed tunnel after the project is complete? Related, how many, if any, of these trains will include double-stacked rail cars? Also, how many times during a 24-hour period will two trains be simultaneously traveling through the tunnel?

• What is the average length and number of single-deck freight cars of the trains currently moving through the tunnel? What is anticipated to be the average and maximum length and number of single-deck and double-deck freight cars moving through the area during construction? What is anticipated to be the average and maximum length and number of single-deck and double-deck freight cars moving through the tunnel after construction?

 What are the minimum and maximum speeds at which the trains travel through the area? What is the average speed of the trains through the area? Is there is difference of speed based upon time of day and/or weather conditions? Ecological Impacts

Virginia Avenue SE in the proposed project area currently is lined with beautiful, mature trees, many of them over 50 years old, These trees not only help the air quality, soil quality, and overall aesthetics of the street but they also create a visual and noise barrier between the freeway and the community. The removal of these trees is a negative impact of this project.

• What is the impact and cost of conducting the Virginia Avenue Tunnel project in

such a way that the construction does not harm the existing trees on Virginia Avenue?

 If the Virginia Avenue Tunnel project causes any trees to die or be removed, mitigation should include replacement of those trees at the largest diameter Parsons Brinckerhoff

October 14, 2011

possible and a five-year financial commitment for the watering and care of the new trees to ensure their survival,

Additionally, the community requests the replacement of all grass and that additional landscaping is included in any mitigation of damage done to the landscape

Many of the mature trees mentioned above along Virginia Avenue SE in the proposed project area are over 50 years old, and may be of historic value, The planting and nurturing of trees is a part of the original L'Enfant Plan for our city. Therefore, we reiterate our above concerns of impact over moving these trees.

It is our understanding that the existing CSX VA Avenue Tunnel is over 100 years old. We would request that there be a determination of whatever historic value this tunnel or put its feetings with the public placed determination of the programment of the put its feetings with the public placed determination of the programment of the public placed in the public particle public programment.

any its features might hold, and that these historic determinations be preserved and addressed as part of the project scope.

The Saint Paul African Union Methodist Protestant Church at 401 | Street, SE, is a longstanding part of our community. Built in 1924, it has recently been listed on the National Register of Historic Places (July 28, 2011) by the National Park Service. We request that any construction related to the tunnel project, including but not limited to any auxiliary construction to build a temporary track, be assessed to avoid any structured to the tunnel project. structural or other damage to the church, and that this historical site be protected. Virginia Ave Park and Community Garden was once the home to a firehouse structure. Will the Virginia Avenue Tunnel reconstruction or any auxiliary construction to build a temporary track or other construction plans disrupt or destroy this historical foundation

in the park? Cultural Impacts

As described above, the Saint Paul African Union Methodist Protestant Church at 401 I Street, SE, is an historical part of our community and the neighborhood culture. We desire to preserve this cultural and historic landmark during the project construction period and beyond. Improving the property condition itself as well as its past, present and future cultural connection to the community is a priority.

In furtherance of the DC Public School (DCPS) system's goal for providing neighborhood schools, DCPS has stated plans to reopen the Van Ness Elementary School (at 1150 Fifth Street SE) for school year 2015 – 2016. We request that CSX consider a commitment for preserving and improving this educational and cultural asset,

including the building, property, programs and operations, Additionally, the DCPS may be considering opening the School-Within-School (SWS) at Van Ness starting in fall 2012, so the impact on the area could be more immediate. The Parsons Brinckerhoff

Page 6 SWS is a Reggio Emilia, teacher-directed program serving pre-kindergarten and

kindergarten students.

The community is in the midst of a positive redevelopment trajectory. The residents of Capitol Quarter are concerned about the effect of the VA Ave Tunnel Project may have on the area's continued ability to develop and thrive, whether this be the continued support of local cultural events (i.e., concerts at Yards Park, Opera in the Infield at Nationals Park, etc.) as well as the continued influx of varied cultural and entertainment events and attractions and businesses and merchants to our area to serve residents, workers, and visitors alike.

One of the buildings in the area currently under renovation and contiguous to Capitol Quarter is 200 I Street SE (formerly 225 Virginia Ave SE). This building will house among other city agencies, the DC Commission on the Arts and Humanities. What impact will the construction have on this agency and the arts resources it

plans for public display at this site?

Economic Impacts Capitol Quarter homeowners chose to financially and personally invest in an area that had been in deterioration for many years. Also, as mentioned earlier, the community has been re-built on the previous site of the Arthur Capper/Carrollsburg Housing Project as part of the Federal HUD Hope VI program. We want to ensure that the intergovernmental partnership and investment within this community is protected. As a result of the Capitol Quarter development and that of surrounding properties, the

property taxes generated in this area are a significantly higher source of revenue to the District of Columbia than they had been for many years.

To maintain and grow this public revenue stream and to continue on a positive trajectory of growth, the assets of the area that make it an attractive place for economic development (businesses, residences and jobs) and other investment must be protected. These assets include, but are not necessarily limited to, our roads and traffic patterns, access to public transportation, public safety and security, protection of property rights, cultural, educational and historic resources, land use and recreation and clean air and water

To that end, we request that the assessment the project impacts address and answer the following questions:

 What, if any, is the temporary and/or permanent loss in property value of Capitol Quarter homes as well as other area commercial or residential projects, including but not limited to those directly contiguous to the project work, due to structural damage caused by the tunnel construction as well as by the vibrations of trains during and after tunnel construction?

Parsons Brinckerhoff October 14, 2011

- · What, if any, is the temporary and/or permanent loss in property value of Capitol Quarter homes as well as other area commercial or residential projects, including but not limited to those directly contiguous to the project work, due to the unattractive environment created by the construction, including but not limited to a temporary track?
- What, if any, reduction in property tax or other tax incentives might be possible for Capitol Quarter homes, during the project construction due to reduction in
- What is the potential loss in sales tax collected due to the temporary reduction and/or permanent loss in customers frequenting existing and planned businesses
- and merchants south of the highway?

 What, if any, economic incentives might be available to complete the proposed project in less than the anticipated three-year construction period?

 • What is the plan for making Capitol Quarter homeowners whole during
- construction, if homeowners are required to sell or rent their home due to bona fide job relocation or to move out of their homes temporarily during the period of

construction?

- Does CSX have a plan, and if so what is it, to set aside a fund specifically for the purpose of making home repairs or for the payment of other damages cause during the life of the project, including but not limited to the prevention and elimination of vermin, payments to make alternative living arrangements during the construction phase, and/or repairing structural, HVAC, decorative or other components of the affected properties?
- What type of claims process is being put into place that will ensure 24/7 access to a defined contact person, a means of reporting and making claims due to damages caused by the project, and a prompt and fair means of payments?

 What impact will the proposed project have on the anticipated tenants (D.C. Child and Family Services Agency, the Office of the Chief Technology Officer and the Commission on the Arts and Humanities) as well as the relevant technology resources they bring with them to 200 I Street SE, a building currently under renovation contiguous to Capitol Quarter?
- · What, if any, impact(s) will the completed project have on the District of Columbia and surrounding area?

Social Impacts

As mentioned in the early portion of this statement, Capitol Quarter is an economically, racially, and age diverse community. Due to the ongoing and successful redevelopment Parsons Brinckerhoff October 14, 2011

Page 8 of the Capitol Quarter homes and surrounding area, the 2010 U.S. Census do not provide an accurate or complete resource for understanding the nature, extent, and diversity of our area's population. Therefore, we request that further research be conducted to more adequately and accurately reflect the area's demographics, and

breadth of impact by the proposed project.
The Virginia Avenue Tunnel construction may create barriers that divide and isolate the Capitol Quarter community from the areas of Capitol Hill north of the highway as well as from other areas of the District and the region. This is a two-way impact, as it not only could isolate Capitol Quarter and other residents and visitors south of the highway to other local and regional areas and events, but also to prevent visitors from all parts of the metropolitan Washington DC area to accessing the currently growing and thriving area and its businesses, residences, recreational areas and other attractions. How will the proposed project construction and barriers associated with it ensure that safe and adequate access for vehicles, bicyclists, skaters, pedestrians (including our local senior population), and those with disabilities are not blocked or limited for traversing north and south under the freeway? On a related issue, how will the proposed project ensure that its presence will not intimidate people from moving through the passageways under the freeway because they feel unsafe or unwelcome?

We recommend that the scope of the proposed project include keeping the sidewalk along Virginia Avenue between 3rd and 6th Streets open to the public and well maintained since this is an important community corridor and gathering space for the Capitol Quarter community and surrounding area residents, including many senior residents in wheelchairs or with limited mobility.

Overall, as an economically and racially diverse community the scope of the proposed project need to include keeping safe and well-maintained access available to all public transportation including bus stops along Virginia Ave as well as pedestrian and bicycle paths, without limit to those with wheelchairs or other limited mobility issues from Capitol Quarter and south of the highway to reach Capitol South Metro, Eastern Market Metro, and other public transportation access points north of the highway. The major parks in the area are Garfield Park (north of the highway) and Canal Park (currently under construction) and Yards Park (both south of the highway). These parks are assets that help build a strong community. We request that these facilities remain accessible to vehicles, bicyclists, skaters, pedestrians (including our local senior population), and those with disabilities traversing north and south under the freeway. While we recognize that some train noise is and will always be inherent to our community's location, we ask that during construction, especially if trains pass through the area without the benefit of a noise-buffering tunnel, train schedules be modified to take into consideration the hour of the night when trains traverse this area. Additionally, Parsons Brinckerhoff October 14, 2011

we request that horn volume and frequency be reduced to the extent allowable without sacrificing safety. We seek to ensure that resident sleep interruption is minimized during construction, whether it be for workers who need to function at high levels at their jobs, for children and other students to focus on their school studies, or for elderly or ill

people whose health requires rest.

Related to this, we recommend that consideration be made to the hours and days on which construction may occur. As this is anticipated to be a three-year construction project, we respectfully request that consideration to our quality of life be assessed and incorporated into the construction schedule,

Land Use Impacts

The proposed project anticipates a three-year construction timetable. However, there are long-term, permanent impacts of this project to Capitol Quarter homeowners and residents as well as to others in the surrounding area. It is our understanding that this project, if permitted to proceed, will result in quadrupling the amount of cargo that can be shipped through the tunnel and surrounding area at

any given time. We have concerns about this permanent use of the land surrounding our community for this purpose.

- What permanent steps will be taken to stabilize and protect the structural integrity of the existing area homes and foundations and surrounding area? Additionally, we have the following questions about it potential population and economic impacts from this land use:
- What is the potential and/or likely impact of reducing the residential population (via reductions in home purchase and rentals) due to the undesirable nature of a double-tracked, double-stacked capacity train tunnel project in the neighborhood? Related to this, what is the potential and/or likely impact of new residential projects delaying construction or potentially abandoning the neighborhood temporarily or permanently, due to the construction phase of the project (including a potential temporary train track) as well as to the permanent
- presence of the increased rail capacity?

 What is the potential and/or likely impact of existing and potential commercial development (office leases and retail development) on the area due to the tunnel project construction phase and the associated physical barriers for those seeking

to traverse the neighborhood north and south?

Due to the proximity of the proposed project construction to the northern boundary of the Capitol Quarter community, it is requested that that the NEPA assessment include methods for expediting the construction work closest to the residential portions of the proposed project. Generally, this would include the homes in the 200 – 500 blocks of Parsons Brinckerhoff

October 14, 2011

Page 10

Virginia Avenue SE as well as the length of Virginia Ave from 5th Street east, contiguous to our valued Arthur Capper Senior Community Center neighbors

We also are interested in knowing more about how our community's look and feel will be altered after the tunnel construction is completed.

Is it safe to assume that the project area on Virginia Avenue will be restored to, at a minimum, its prior (current) appearance, i.e., paved and well-maintained road

and sidewalks, with greenery, mature trees, and lighting?
• Are there plans for any other enhancements, such as better lighting under the

- freeway to better connect those traversing north and south of the highway?

 Will the grassy embankments on the south side of the highway continue to exist? Related to this, please provide information regarding the positive purposes of the existing embankments? For examples, besides providing an attractive green space, do they place any role in noise abatement or storm water run-off benefits? If they do play a positive functional role, but will be eliminated post-project, what mitigation will replace this functional loss?
- What resources, if any, has CSX committed to the post-project enhancements and maintenance, and for how long have they committed these resources? Relocation Impacts
 Although all of Capitol Quarter's residents will be impacted by the proposed project,

several Capitol Quarter homes are located on Virginia Avenue, contiguous to the proposed project. The residents of these homes are understandably anxious about the impacts of the VA Avenue Tunnel Project

- What are the possibilities for temporary or permanent relocation of any Capitol Quarter resident, regardless of housing type, if the tunnel rebuilding or a possible, temporary train trench/track built along side the existing tunnel makes their homes unlivable?
- What resources will be made available for making any Capitol Quarter homeowner whole during construction, if homeowners are required to sell or rent their home due to bona fide job relocation?
 What resources, if any, have been planned for assessing the structural integrity,
- both now, during and after construction, of the Capitol Quarter homes? homes will be subject to excessive disruptions and vibrations both during and after the construction phase,

Due to the mixed housing opportunities that exist in the Capitol Quarter community, we request that the DC Housing Authority (DCHA) be made aware of potential relocation Parsons Brinckerhoff October 14, 2011

concerns for residents in workforce homes as well as in affordable rental housing, If such temporary relocations become necessary during construction, DCHA loan provisions or other requirements may need to be revisited.

As previously mentioned, the 2010 U.S. Census population statistics collected in the Capitol Quarter and surrounding areas are not representative of the growth occurring in this area. We ask that the scope of the proposed project should include a research effort for obtaining a more complete demographic profile for use in determining accurate project impacts

Traffic Impacts Whether we are drivers, bikers, skaters or pedestrians, traffic and parking play a huge role in the urban quality of life. Capitol Quarter and the surrounding area are growing and changing. Traffic and parking patterns are changing almost weekly depending on the time of year, what construction projects are working, whether it is Major League Baseball season, or which festival or other entertainment option is active in a local

Many of our local streets are one-ways; some do not have four-way stops; a few are closed for other area construction projects making mobility an ever-changing guessing game for cars and pedestrians. We request that traffic studies be conducted that look at the project's impact on high volumes of traffic, and that options for the diversion of traffic be considered that minimize the noise, air quality, safety, and traffic and parking impacts on side streets and quality of life in our neighborhood. In particular, we ask that the following impacts be included:

- Adequate access is always available for police, fire, and other emergency
- The impact of a ballpark game on traffic patterns
 The safety of the proposed traffic patterns (stop signs, etc.)
- Parking, especially the influx of day workers
 Replacement of lost on-street parking spaces in nearby surface lots for residents and their visitors
- · Continued access to all driveways and alleyways (This is a particular concern for Continued access to all driveways and alleyways (1 his is a particular concern to the residents of the block surrounded by Virginia Avenue, 3rd and 4th Streets, and I Street. Both current alleyway access points are on Virginia Avenue. This alley provides access to residents' garages, for emergency vehicles, trash and recycling pick-up, snow removal and U.S. Postal Service, and Metro Access for a disabled resident.)

Parsons Brinckerhoff October 14, 2011

- Page 12
 Sufficient access for truck deliveries and/or moving vans
- Access between north and south of highway
 Bus and public transportation access, including but not limited to maintaining the
- use of the bus stops along Virginia Ave

 Keeping the sidewalk along Virginia Avenue between 3rd and 6th Streets open to the public and well maintained since this is an important community corridor for the Capitol Quarter community and surrounding area residents, including many senior residents in wheelchairs or with limited mobility. Air Quality Impacts

Living in an area under redevelopment, we are familiar with construction and understand the dirt, dust, and debris that accompany it, However, the scope and nature of this proposed project far exceed the normal levels of dust and debris associated with typical redevelopment projects.

As mentioned earlier in this statement, if it is determined, after a thorough examination of all alternatives, that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction, then we would request that the temporary trench be covered, especially in the areas where there are residents, It is our understanding that such "cut and cover" methods have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro

Generally

- What is (are) the energy source(s) used for running trains through the area? What air particulates or other pollutants are present in each of these energy sources and what is the impact of each energy source on the area's air quality? Does that impact vary depending on the time of year and external (hot/cold) temperatures?
- Is it possible to screen the source of the air particulates or other pollutants for the purpose of reducing their release and impact on the area's air quality? During Construction:
- · Is it possible to conduct all construction work inside of the tunnel? If not, is it possible to cover any/all temporary opening(s) in order to reduce the release of . air contaminants?
- What are the potential materials inside of the existing tunnel, including but not limited to asbestos, which might be released and emit airborne particulates once Parsons Brinckerhoff

October 14, 2011

Page 13

the tunnel construction begins? Related to this, what are some of the breathing issues, including asthma, which might result from the release of these particulates? How will these impacts be mitigated?

- What is known about the possible presence of asbestos in the existing tunnel? What if there is asbestos in the tunnel? How will the community be notified of its presence?

 • What measures will be taken to ensure the asbestos is contained and not of any
- harm to the residents of the community?
- What are the potential materials being transported through the area in the temporary trench (including but not limited to trash or garbage), should this be the recommended option, during the construction phase which may emit airborne particulates? Related to this, what are some of the breathing issues, including asIhma, which might result from the release of these particulates? How will these impacts be mitigated?
- Is it possible to mitigate the release of some dust and dirt by keeping it wet?
- · What potentially hazardous or dangerous chemicals or contaminants might be found in the soil in or around the tunnel and/or its walls that may need remediation? How would this be handled?
- · What if, during the construction phase, an accident or derailment occurs with rail cars carrying hazardous materials? How would this impact the Capitol Quarter and surrounding area residents' ability to evacuate and/or live safely in their homes, and how would this be mitigated? After the project is completed:

- After the project is completed and the tunnel capacity is quadrupled, how will the transport of the additional volumes of such materials (including but not limited to trash and garbage) impact the air quality of our neighborhood? Related to this, what are some of the breathing issues, including asthma, which might result from the release of these particulates? How will these impacts be mitigated?
- What if an accident or derailment occurs with hazardous material such as chlorine while construction is happening or once there is twice as much material being transported on the tracts with double-stacked trains?

 • What if, during the construction phase, an accident or derailment occurs with rail
- cars carrying hazardous materials? How would this impact the Capitol Quarter Parsons Brinckerhoff

October 14, 2011

Page 14

and surrounding area residents' ability to evacuate and/or live safely in their homes, and how would this be mitigated?

There will be noise impacts related to this three-year project. It is our hope that these can be mitigated in a manner that causes minimal disruption to our residents. What noise abatement and mitigation steps will be taken during and after construction in order to reduce the disturbance of community quality of life, such as rail damping, reduction in length of trains or other options?

This may include covering the temporary trench, if it is determined, that a trench along

Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction. Again, we request using the type of "cut and cover" methods that have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro system.

*To what extent, if any, do the mature trees currently on Virginia Avenue provide

noise buffering from the highway?
• If these trees need to be removed during the course of construction, what can be done to mitigate the increased highway noise temporarily during construction (i.e., building a temporary wall to buffer highway noise/provide safety mitigation)

To what extent, if any, do the embankments on the south side of the highway provide noise buffering from the highway?
 What is the current decibel level at which train horns are blown when entering the

tunnel? Is it required that trains blow their horns at minimum and/or maximum

levels when entering, travelling in, and/or leaving the tunnel?

• What decibel level will be used for blowing train horns that are entering/travelling in/leaving a temporary, open/uncovered trench/track, should it be determined this option will be part of the project?

 What is the anticipated decibel level generated by a train and its vibrations when travelling on a temporary, open/uncovered trench/track, should it be determined this option will be part of the project?

• What is the anticipated decibel level generated by a train, including its vibrations

and blowing of horns, when travelling on a covered and sealed temporary track should it be determined this option will be part of the project? Parsons Brinckerhoff

October 14, 2011

· What is the anticipated decibel level of noise caused the blowing of horns and by

- vibrations of two double-stacked trains entering, travelling in, and leaving the
- What is the decibel level during construction of jack hammers, backing up vehicles, other vehicles or construction equipment, moving of material, etc.?
- Has any data been collected which distinguishes the noise reductions between double-paned and triple-paned windows?
- What time of day will noise occur and how can it be reduced during meal times, sleeping hours, weekends, and holidays?
- What innovative materials might be used to reduce the noise under the tracks and/or in the train tunnel to reduce vibration noise?
- · What innovative materials might be used to help reduce the "echo" of traffic noises under the highway underpasses? Water Quality Impacts
- What potentially hazardous or dangerous chemicals or contaminants might be found in the soil in or around the tunnel and/or its walls that may need remediation so that they do not impact water quality? How would this be handled?
- · What if, during the construction phase, an accident or derailment occurs with rail cars carrying hazardous materials that could seep into the soil and/or impact the water supply and/or quality? How would this impact the Capitol Quarter and surrounding area residents' ability to live safely in their homes and use regular plumbing, and how would this be mitigated?
- What is the depth of the water table in and below the tunnel?
 To what extent, if any, do the grassy embankments on the south side of the highway have any impact on storm water runoff? What, if any, water quality purpose(s) do the existing embankments serve? If these embankments do play a positive functional role, but will be eliminated post-project, what mitigation will replace this functional loss?
- · What is the plan for minimizing any type of water service disruption during construction?

Health Impacts

A major concern to everyone in Capitol Quarter is the possibility of mice, rats, termites, roaches and other vermin, that may have made their home in or near the Virginia Parsons Brinckerhoff

October 14, 2011

Avenue Tunnel, will enter our neighborhood and invade our homes. As with most inner city construction projects, unwelcome critters often scatter when their "homes" ar invaded. With this potential intrusion comes the risk of health issues. We request that CSX provide pest and vermin preventive and treatment services for the Capitol Quarter homes and neighborhood, including contiguous public areas, during the course of the

Another area of interest is the ability of police, fire, and other emergency vehicles will be provided adequate space to access and traverse the neighborhood, including all streets, driveways and alleys during the course of the project. While important to all parts of the Capitol Quarter, this is especially critical in the area of our senior neighbors at the Arthur Capper Senior Community Center

The presence and potential release of asbestos form the existing tunnel is also of great

- What is known about the possible presence of asbestos in the existing tunnel?
 What if there is asbestos in the tunnel? How will the community be notified of its presence?
- What measures will be taken to ensure the asbestos is contained and not of any harm to the residents of the community?

 • What health and safety features, such as ventilation, exist in the current tunnel

and will be included in the reconstructed tunnel?

Last, please refer to the Air Quality, Water Quality, Safety and Noise Impact sections of this statement to address concerns that may impact residents' physical and mental health as well as ability to achieve restful sleep.

Construction Impacts

The three-year construction timetable for this project is going to be, at a minimum, a general nuisance and, at its worst, a highly disruptive impediment to our quality of life. Many of these have been mentioned in other impact areas of this statement, such as the Safety and Security (Terrorism) areas and, for brevity, will not be repeated here.

- Several issues that deserve repeat and/or new mention include:

 Prioritize expediting the completion of construction work south of the highway along the areas where homes exist.
- Treatments for the prevention and elimination of vermin in and around all Capitol Quarter homes and the contiguous public spaces Parsons Brinckerhoff

October 14, 2011

- Page 17
 Identification of the water table depth inside of the tunnel, and any implications
- this may have for construction and/or water quality
 Investigate the reduction or elimination of late night train traffic
- · Identify limitations of weekday, weekend, and holiday hours for construction and its related noise to occur
- · Conduct a structural evaluation of home foundation conditions before construction in order to properly assess any structural damage due to the tunnel construction as well as by the vibrations of trains during and after tunnel construction
- · Provide full documentation of the underground utilities encountered during construction, and provide a plan for minimizing any type of utility disruption during construction
- Investigate the use of innovative noise absorption and buffering products that can be used to permanently line the renovated tunnel walls
- · Throughout and upon completion of construction, power wash/clean the home exteriors, including windows and sweep all streets and sidewalks of construction
- Will pile driving be necessary for the construction of the temporary trench/tracks on Virginia Avenue and/or for the reconstruction of the tunnel? What steps will be taken to stabilize and protect the structural integrity of the existing area homes and foundations during the construction phase?

Visual Impacts and Aesthetics Regardless of the ultimate scope of the project, including the determination of temporary rerouting/tracking for train traffic, the visual impacts to the Capitol Quarter community and surrounding area likely will be extensive during construction. Several areas of concern have already been mentioned, including the possible removal of trees.

· We are interested in knowing how lighting in the construction area will be handled, including how safety and access lighting will be balanced with construction lighting needs, including the impact on residents' ability to sleep The Capitol Quarter Community is very interested in how the area will appear once the project work has been completed. Having endured the noise, dirt, disruption, inconvenience, and the general nuisance of living in and near another three years of construction, directly contiguous to some of our community's homes, the residents of Parsons Brinckerhoff

October 14, 2011

Page 18

our entire community anticipate an aesthetically pleasing vision for our community.. For brevity's sake, we will not repeal relevant "aesthetic" items that have been mentioned in other impact areas of this statement. Items that we wish to see addressed as part of the post-project visual impact plan include but are not limited to the following:

• Adequate lighting, consistent in design with other neighborhood lights, along

- Virginia Avenue, under the highway underpasses connecting the north and south sides of the neighborhood
- · Grass, trees (including malure tree replacement, if current trees are removed or die), and other landscaping features (and their maintenance) which are welcoming, attractive, safe and useful for the residents of the community, including surrounding area, including children, seniors, and those with limited
- Attention to the condition of the highway underpasses spanning the length of the project, including adequate lighting, the use of noise absorbing materials to minimize echoes under these underpasses, and a design treatment which ties the north and south sides of the highway together rather than dividing them Safety Impacts

In any construction zone, safety is an important function impacting the workplace, the surrounding area, access near and around it and it is an area of 24/7 impact. Due to the proximity of the proposed project to homes and residences that include children, persons with disabilities and/or limited mobility, and senior citizens, we request knowing more about the following issue and how they will be mitigated:

How will the construction site be secured so that pedestrians, bicyclists, skaters,

- vehicles and pets will not be able to voluntarily or involuntarily enter, or throw material into the tunnel and/or the temporary trench/track, if it is determined that this is the selected solution for existing train traffic?
- How will construction material(s) be brought to the site and removed from the site to reduce safety hazards? Related to this, how will construction material(s),
- equipment, and tools be stored and protected at the site?

 What health and safety features, such as sprinklers and ventilation, exist in the
- current tunnel and will be included in the reconstructed tunnel?

 How will we be assured that crime and vandalism to our homes and property will not increase due to the activity in the area?
- As previously mentioned, we have an interest in the traffic impacts of the proposed project, and the safety implications of any revised traffic patterns Parsons Brinckerhoff

October 14, 2011

Page 19

required by the proposed project as well as other area construction projects, and how multiple projects are coordinated.

As previously raised, we must ensure that adequate access is always available

- for police, fire, and other emergency vehicles to the neighborhood, regardless of weather conditions.
- · What, if any, evacuation planning has been considered, should a natural disaster and/or train derailment/accident require it?
- · If it is determined that a temporary trench/track will be built in the area during construction, what kind of structure will be constructed over trench, and how does such a structure ensure the safety for vehicles, pedestrians, children (including strollers), bikers, skaters, and those in wheelchairs or with limited
- How will the lighting in the construction area will be handled, including how safety and access lighting will be balanced with construction lighting needs including the prevention of resident sleep patterns?

 • Will the traffic lights in the area be retimed to correspond to changing traffic
- patterns during construction? · We are interested in hearing from first responders about their perspectives of the
- proposed project (construction and post-construction) on issues related to safety such as a possible a derailment or accident (including one that contains hazardous or dangerous materials), running two trains in the finished tunnel simultaneously, the speed of trains, and other items they deem relevant.

 • We are interested in hearing from D.C.'s Chief Technology Officer, who is slated
- to move people and equipment containing data into the renovated building at 200 I Street SE

Security Impacts (Terrorism)

The threat of terrorism sadly is the new normal in the U.S. and this especially is true in our nation's capital. The proposed project is located only blocks from the U.S. Capitol, U.S. Department of Transportation, U.S. Marine Barracks, and U.S. Navy Yard, While we recognize and appreciate the security steps that many industries, including the freight railroads, have taken, we do have serious apprehensions in this impact area. • What, if any, evacuation planning has been considered, should an act of

terrorism occur against the trains, the area and/or property of the project, and/or the local area, including the in or around the Capitol?

Parsons Brinckerhoff October 14, 2011

Page 20

- What precautions do CSX and all of its contractors take and plan to take with regard to ensuring their employees and vendors have been adequately
- · To what extent, if any, does running trains through a temporary trench/track rather than a permanent track raise the security threat?

 • Who will have access to the tunnel and construction site during construction as
- well as to the tunnel and entrances after construction, and how is such access controlled? How will CSX monitor access control to ensure it is not
- In recent weeks, a bullet from a random highway shooting entered a Capitol

Quarter home contiguous to the highway. What planning, if any, has been done to prevent such an occurrence at or near the project to protect the project, its property and equipment, and any trains, including those carrying hazardous materials, through the area, both during and after construction? Also, please address this question from the perspective of protecting against such occurrence when a train is passing through the temporary, open trench/track, is such alternative is selected

 Are there multiple ways to enter the tunnel or a temporary trench/tunnel during construction that could potentially compromise the security of materials being transported on the rail line and increase vulnerability to terrorism?

• We request that the scope of the project include a detailed identification and

evaluation of the hazardous materials being carried in the tunnel and temporary trench/tunnel as well as an evaluation of the additional risk(s) caused by potentially quadrupling of the amounts of these materials travelling through the tunnel after completion of the project.

· We are interested in hearing from first responders about their perspectives of the proposed project (construction and post-construction) on issues related to security and terrorism, such as a possible a derailment or accident (including one that contains hazardous or dangerous materials), running two trains in the finished tunnel simultaneously, and other items they deem relevant.

We are interested in hearing from D.C.'s Chief Technology Officer, who is slated to move people and equipment containing data into the renovated building at 200

I Street SE, about the potential threat to the important data being maintained should a security problem occur at the proposed project site. Right-of-way/Public Space Impacts

A critical aspect of the proposed project that continues to remain unresolved is an exact determination of the boundaries for the public right of way and the CSX property lines. Parsons Brinckerhoff

October 14, 2011

Page 21
We request that a thorough field study as well as review of current and historical legal and property documents and records be conducted to clearly resolve this boundary issue. Of particular importance to the Capitol Quarter community is a determination of what the boundaries are for areas on Virginia Avenue, contiguous to Capitol Quarter residences, which are the responsibility of the HOA, public right of way, CSX property, the National Park Service and other possible enlities (City, Federal) and/or options. It is our position that these determinations must be made before a project design can be accurately proposed and assessed for impacts to contiguous private property, public

right of ways.

We also request that any and all information, findings and/or actions relevant to this issue be fully and timely disclosed to our community and residents, and to the lead agency the Federal Highway Administration, Additionally, we request that CSX or its agents take no legislative, statutory, regulatory, or judicial actions pertaining to this issue or impact during the NEPA process.

Setting of Precedent The District Government may also be concerned about the precedent that this project could be setting for use of right-of-way above and underground as it applied to utilities,

an area that they have been heavily regulating.

How similar is the proposed VA Avenue Tunnel Project (tunnel construction and/or construction of a temporary trench/track) to other projects that CSX has undertaken or is undertaking? What sort of mitigation actions were taken relative to the issues raised in this statement and with what degree of success? How have damages and claims been handled?

What right of way issues have been encountered in these or other projects? How have they been handled/resolved?

· How does CSX plan on keeping the community updated on project progress, as

well as accepting community input and feedback?

Impressions of NEPA Process and Meetings to Date

We recognize and appreciate the NEPA process and its inherent requirements for citizen and public input. However, many community residents have expressed disappointment with the format of the September 14, 2011 Scoping Meeting and the availability of sufficient information to answer attendee questions. The Federal Highway Administration solicited community feedback about the meeting and several residents responded with comments. It is our understanding that the FHWA will play a larger role in all future meetings and we hope this will include an overview presentation at the beginning of each meeting.

Communication with Other Entities
Parsons Brinckerhoff

October 14, 2011

Page 22
Additionally, it is our desire that the following entitles be notified of the proposed project and that written comments about the proposed project be solicited from them:
• U.S. Department of Homeland Security, National Protection & Programs Director

- Capitol Police
 DC Metropolitan Police
- DC Fire Department U.S. Secret Service
- · Federal Bureau of Investigation
- Delegate Eleanor Holmes Norton
 Relevant U.S. House and Senate Committees
- Office of the Mayor

 D.C. Office of the Attorney General
- D.C. Chief Technology Officer
 D.C. Homeland Security and Emergency Management Agency
- National Park Service
 National Capital Planning Commission
- U.S. Marines
 U.S. Navy

National Transportation Safety Board
U.S. Department of Transportation"s Federal Railroad Administration
On behalf of the Capitol Quarter Homeowners Association, we appreciate your interest in our comments and questions, and we look forward to the responses you can provide to our questions and requests



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comments and concerns re: VA Ave tunnel

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Organization Details

There is no organization associated with this individual.

Topic(s) of Interest: Appearance, Claims Process, Effect on Neighborhood, Effect on Property Value, Noise, Public Safety, Traffic Inquiry Source: VAT.com email

Date: October 13, 2011 - 5:40pm To whom it concerns:

My husband and I moved into our brand new home almost one year ago. It is one house away from Virginia Ave., and we use Virginia Ave to get to our garage. My husband commutes over one hour every day on 395 and enters right at Virginia Ave. I walk under the overpass for my 15 minute walk to work. We are particularly pleased with all the green space in our neighborhood, especially the lovely round oak tree visible from our kitchen window.

As you can see, we have a dream home in which we both invested significant savings and will continue to. We understand that you also have invested in your business and that the potential financial gains from the Virginia Ave. tunnel are enormous. We therefore hope that the following concerns we list will be seen by CSX as a small price to pay for that ultimate payoff.

- 1. The value of our homes may be put in jeopardy given all the construction. You will be drilling below the foundations and not far away. We would like a baseline assessment of the foundation to be conducted and a follow up assessment to determine any damages the construction may cause. Your wise investment should applied up to the foundation to be conducted and a follow up assessment to determine any damages the construction may cause. Your wise investment should applied the foundation to be conducted and a follow up assessment to determine any damages the construction may cause. Your wise investment should applied the foundation to be conducted and a follow up assessment to determine any damages the construction may cause.
- 2. My husband is in the military, If we should have to self our home before the project is finished, we would ask CSX to purchase it if we cannot get at least the purchase price for the home plus 7% appreciation each year; we would ask CSX to purchase it at at least that price.
- 3. Very mature trees line Virginia Ave at the moment, They block the view of the highway from the house. By the time new small trees would mature, I would already be living in a nursing home. Please commit to restoring mature trees along Virginia Ave, as well as the other landscaping.
- 4. The noise of trains running throughout the day and night while the work occurs is simply untenable. My husband works in a very dangerous profession; lack of sleep due to train noise could cost him his life. Neighbors with young children similarly could suffer, including potential health risks of the children. We ask you to study the noise
- pollution that may result from any trains running above ground so close to these homes.

 5. We ask that you route the trains along another track while undertaking this process. That will also reduce any concerns about pollution from cars which normally travel under tunnels.
- 6. We are concerned about the potential business impact in the neighborhood. We invested in an up-and-coming neighborhood with the expectation that as it developed, more people would visit and the value of our home would increase. Long delays in coming down for baseball games and other activities will delay this process. Please determine the potential impact on the businesses in the neighborhood to ensure that they will not be inordinately impacted. Please also consider the impact to accomplish treffits.
- 7. We are concerned that this project may disproportionately impact the elderly, the minorities, and the disabled who live around Virginia Ave. They have a difficult enough time getting around, and further barriers could limit their work and livelihoods.
- 8, We are concerned about the impact of the project on the historic church on 4th Street just south of Virginia Ave. One reason we chose to live in this neighborhood was its historic character. I have also heard the potential of historic spaces within the tunnel itself. We ask you to consider the impact of this project on the historic sites in the neighborhood.
- 9. Given the potential for accidents and other concerns, we respectfully request that you establish a claims process and a person who may be called in an emergency 24 hours a day.

Thank you for your attention to our concerns, We look forward to hearing a response from you,

Sincerely

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CHRS Scoping Comments on the Virginia Avenue Tunnel Project

Organization Details

Organization: Capitol Hill Restoration Society

Organization Category: Nonprofit
Organization Topic(s) of Interest: Appearance, Community Projects, Commute, Construction Timeline, Effect on Neighborhood, Effect on Property Value, Noise, Public Safety, Public/Community Involvement, Traffic

Topic(s) of Interest: Appearance, Commute, Effect on Neighborhood, Effect on Property Value, Noise, Public Safety, Traffic Inquiry Source: VAT.com email

Date: October 13, 2011 - 9:46pm

Dear Mr. Lawson:

I am transmitting the attached letter on behalf of Elizabeth Purcell, president of the Capitol Hill Restoration Society. The letter conveys CHRS's scoping comments on the Virginia Avenue Tunnel Project in Southeast Washington, DC

CHRS will be interested in the response of FHWA-DC, CSX, and DDOT to the scoping comments they receive about this project and looks forward to continuing its engagement in the project's federal and local reviews

Shauna Holmes Second Vice President Capitol Hill Restoration Society

---ATTACHMENT--

P.O. Box 15264

Washington, DC 20003-0264

October 13, 2011

Mr. Joseph C. Lawson

Division Administrator

Federal Highway Administration

DC Division

1990 K Street, NW, Suite 510

Washington, DC 20006-1103

Subject: Scoping Comments for the Environmental Assessment of the CSX Virginia Avenue Tunnel Project in Southeast Washington, DC

Dear Mr. Lawson:

Thank you for the opportunity to provide Scoping Comments as part of the Environmental Assessment for the CSX Virginia Avenue Tunnel Project (VAT) in Southeast Washington, DC. The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to share with the Federal Highway Administration, District of Columbia Division (FHWA-DC), the DC Department of Transportation (DDOT), and other involved agencies its comments and concerns about the many impacts this extensive project will have on the Capitol Hill community and the Capitol Hill Historic District (CHHD). As the oldest and largest civic organization on Capitol Hill and one of the largest in the city, CHRS is committed to preserving the historic fabric and character of Capitol Hill and protecting its neighborhoods, environment, cohesiveness, and residential nature

The proposed major project, as described by CSX in earlier meetings and on the project website (www.virginiaavenuetunnel.com) is huge in scope and scale, as well as in its potential for substantial environmental and human impacts. Many people live, work, and attend school on or near Virginia Avenue and the project area. While we understand the need to remedy the bottleneck posed by the existing tunnel, we have many areas of concern about the number, seriousness, and scope of the environmental impacts the project would have on Capitol Hill residents, neighborhoods, historic and natural resources, and businesses,

Planning and coordination with other nearby projects and initiatives

There are a number of construction projects in the project vicinity, including the DC Water Combined Sewer Overflow Control projects, the 11th Street Bridge project, the Canal Park project, the South Capitol Street project, and other CSX projects such as the Track Lowering Projects at New Jersey Avenue SE, 10th and 12th Streets SW, and an I-395 ramp, The New Jersey Avenue Track Lowering Project will also take place on Capitol Hill, but the community has no information about the project, when it will take place, nor how it will interface with the tunnel project, in addition, the National Capital Planning Commission (NCPC) has instituted a Southwest Ecodistrict Initiative, We understand that the first plan of this initiative is a Maryland Avenue Small Area Plan to deck over Maryland Avenue, SW, and thereby place the tracks in a tunnel as far east as 7th Street, SW (Hancock Park). Contributing to the potential for lack of planning coordination is that FHWA and DDOT are overseeing the VAT project, while NCPC and the city's Office of Planning are overseeing the Maryland Avenue Plan.

We and many others in the community are very concerned about how this coordination and the potentially conflicting construction plans and timetables are going to play out in our community and historic district. We also wonder why the tracks are proposed to remain open and for the most part elevated between 2nd Street SE and 7th Street SW – where they apparently would go underground again – thus continuing to pose security issues near the U.S. Capitol complex, noise, and visual obstruction of the L'Enfant grid.

Construction planning for the VAT and associated run-around track must be coordinated with planning for these other construction projects and initiatives, and potential problems must be identified and sufficiently addressed during the VAT's project review. As part of the Environmental Assessment and Section 106 review of the VAT, these issues must be fully identified, considered, explored, and addressed in full consultation with members of the affected community both prior to and during construction. Public meetings and other outreach to the community must take place to fully communicate regarding these planning and coordination issues and to hear and address community concerns.

Historic and cultural resources

Because the project will cross the Capitol Hill Historic District and lies wholly within the area encompassed by the L'Enfant Plan for the City of Washington - which is also listed in the National Register of Historic Places – it has the potential to adversely affect numerous contributing historic properties. There are direct and indirect risks not only to two historic public parks, but also to the structural integrity of many contributing historic buildings. Virginia Avenue Park is a contributing property in both the CHHD and the L'Enfant Plan that now has green space, picnic areas, and a community garden. CHRS was quite concerned to hear that CSX was expecting to use this park for construction staging, leading us to fear for other nearby historic properties as well, Garfield Park, another contributing property and a treasured green space in the CHHD, includes playgrounds for small children, benches,

We are also concerned about project effects on other historic properties in or very near the project area. St. Paul's AUMP Church at 401 Eye Street SE, a recently designated DC Landmark, sits barely half a block from the tunnel, As for the tunnel itself, the DC State Historic Preservation Office (SHPO) concurred in 2009 that the 107-year-old VAT is eligible for the National Register. The SHPO further found that the VAT's proposed demolition would constitute an adverse effect on this historic property, which would be lost because of the project. In addition, given the huge amount of ground disturbance involved, there is considerable potential that significant archeological properties may be encountered, including a known archeological site near the 11th Street portal

Construction-related impacts

Noise and vibration. The extensive ground-disturbing activities involved in the cut-and-cover approach CSX has described in meetings with community groups will have huge adverse impacts in and beyond the construction area, as will demolition of the existing tunnel. The digging, potential blasting and other high-impact destructive activities, run-around track construction, transfer of dirt into dump trucks, dirt hauling, and moving of construction equipment will create a lot of loud noise and dangerous vibration levels likely to adversely affect nearby homes and businesses, some of which will be mere yards away from the project area. In addition, operation of the above-ground run-around track during construction will subject residents, customers, workers, and schoolchildren to serious noise levels they would otherwise not experience, in addition to subjecting fragile historic buildings to additional vibrations

During the Environmental Assessment process, noise levels at nearby locations should be measured, after which modeling should be conducted to estimate noise levels during the construction period, These locations should include, at the least, Capitol Quarter yards and interiors closest to Virginia Avenue; the southern part of Garfield Park; outdoor seating areas of Barracks Row businesses near the project area; the southern corner of the Marine Barracks; Capitol Hill Day School (2nd & South Carolina, SE); outside homes between 4th and 6th Streets SE near westbound Virginia Avenue; the middle of the 100 block of 7th Street SE; Virginia Avenue Park; Dog-Ma on Virginia Avenue; Tyler Elementary School (block bounded by G, I, 10th and 11th Streets SE); and the Hopkins Apartments (a public housing project in the 1200 block of 12th Street, SE) to establish baseline noise levels. Then noise levels should be monitored periodically during construction and appropriate measures taken to reduce unacceptably loud levels. CHRS strongly recommends that CSX, DDOT, and FHWA-DC explore and implement all possible measures to avoid and/or minimize noise impacts.

Potential vibration damage to walls, ceilings, and foundations from construction activities and operation of the run-around track is also a major concern. Many historic buildings on Capitol Hill suffered interior and/or exterior damage from the recent earthquake, and historic houses on D Street, SE, particularly between First and Second Streets, were damaged due to underground subway construction. In addition, houses on F Street, NE, were damaged by vibrations when a bus line was shifted to F Street. These events sensitized the Capitol Hill community to how vulnerable historic buildings are to vibration damage. We recommend detailed engineering studies on noise and vibration levels for every stage of this project, particularly on historic buildings and landmarks, and pre-construction inspection of buildings closest to the construction area to establish a baseline for potential constructionrelated reports and claims. CSX must explore and implement measures to avoid and/or minimize impacts of vibrations on fragile historic structures; conduct frequent monitoring during construction for vibrations at sensitive locations; communicate frequently with owners of affected properties; make vibration studies available online; make experts available at public meetings to answer questions from the community; and develop a plan of action to be immediately implemented if vibration damage is noted.

Dust and air quality hazards. Many cubic yards of material will be excavated and removed in hundreds of truckloads during project execution, including soil and asphalt. These materials need to be tested before removal to determine whether they include any hazardous substances, if they do, the community must be informed as to the specific hazardous materials, in advance of removal, along with the timetable for removal and plans for complying with EPA rules and protecting humans, wildlife, and the watershed. Even if none of the materials removed are hazardous, excavation and removal will produce dust, which must be controlled. Trucks must use tarps, and other measures should be taken to reduce and minimize levels of ambient dust in this area where people live, work, walk, and cycle. The same dust-reduction measures need to be taken near the end of the project when the "cover" part of the project is implemented.

Stormwater drainage. With the amount of digging and trenching this project will entail, runoff from the project area needs to be considered during environmental review to protect the Anacostia River watershed and avoid soil erosion. This must include identifying, committing to, and implementing measures to be taken to minimize, contain, direct, and treat construction area runoff so the river does not suffer adverse project-related effects

Traffic, pedestrian, cycling, and public transportation impacts. Since the proposed project would tear up Virginia Avenue and its vicinity, we have many traffic-related concerns, Virginia Avenue and its cross streets are heavily traveled by residents and commuters allike and provide access to homes, businesses, workplaces, neighbors, restaurants, and the SE/SW Freeway. With closure of the 8th Street ramp onto the freeway and tunnel construction adjacent to the 3th Street ramp, residents will suffer very limited access to the 11th Street Bridge and other parts of the city. With the project crossing and dividing Capitol Hill and Barracks Row Main Street, we will also suffer limited access to parts of our own community, which could harm businesses, constrain efforts of the Capitol Riverfront BID, and adversely impact community cohesiveness. Traffic-related questions to address during

- Where, when, and for how long will Virginia Avenue, or portions of it, be closed?
- Where, when, and for how long will Virginia Avenue cross streets be closed?
- Would construction activities necessitate any closure of the New Jersey Avenue bridge?
- How will detours caused by any closings be routed, and what effects will these detours have on narrow residential streets?
- Will 8th Street be closed at Virginia Avenue to vehicles, pedestrians, and cyclists, and if so, when and for how long? And if so, how would economic and other adverse impacts on Barracks Row businesses be addressed? Avoided? Minimized? Mitigated?
- How will pedestrian and bicycle access on and across Virginia Avenue be maintained and facilitated?
- How will street closings affect Metrobus and Circulator routes and riders? Will bus stops have to be relocated, and if so, where to?
- How will Capitol Hill residents, workers, and business patrons be notified of street closures, detours, parking constraints, and rerouting of buses? Ongoing communications with the public will be crucial during project planning and implementation.

Parking. Many Capitol Hill residents have nowhere to park their cars except on the street. What impact will street closures, detours, and construction activities have on residential parking availability? Project proponents need to bear in mind that residents must be able to park reasonably close to their homes. Also, a number of people patronizing Capitol Hill businesses need places to park their cars nearby, and reduced on-street parking could reduce customer visits to Hill businesses. Will the parking tot under the SE Freeway remain open during tunnel construction?

Construction hours. Given the close proximity of the project area to so many homes and the nature of the construction activities, it will be crucial to limit construction hours to times acceptable to residents. All legal restrictions and constraints on work hours and work days must be complied with and communicated to residents so they know what to expect We recommend that lines of communication be established – perhaps a hotline and/or website – for residents to report problems and receive feedback on actions taken in response to problems.

Economic impacts. Barracks Row Main Street has recently enjoyed a wonderful revitalization and renovation, and has become a very successful center of restaurant and retail activity. Many civic and community-based organizations are energetically engaged in efforts to similarly revitalize Barracks Row south of the freeway to create a seamless, unified commercial strip extending from Eastern Market Metro Plaza to M Street that would contribute to the Capitol Riverfront revitalization, This project promises to disrupt and impede those efforts with street closures and a ditch across Barracks Row at Virginia Avenue, This community cannot afford to compromise the economic success of those businesses and revitalization projects, and neither can the city, The Environmental Assessment must address these economic issues very seriously and identify measures to avoid, minimize and/or mitigate adverse impacts.

In addition, we have concerns regarding the direct economic impact the project will have on two affected local businesses, the Charley Horse Carriage Company located under the in addition, we have concerns regarding the direct economic impact the project will have on the wolf-lesses, the charles have call age company because direct the freeway and above the tunnel below Garfield Park, and Dog-Ma, a dog daycare and boarding business at 821 Virginia Avenue SE. We understand the owner of Charley Horse has received an eviction notice from the DC government. The economic impact on this business, which will incur relocation costs and other difficulties, should be evaluated and meaningfully mitigated, as should the health and well-being of the company's horses. The financial success of Dog-Ma is also likely to be at risk due to the effects of daily construction noise, vibrations, bustle, and dust on the dogs, whose owners might seek other options to protect their pets from these stressors. The around-the-clock, 24/7, operation of the run-around track with its very loud noise so close to Dog-Ma is also likely to stress the animals and concern their owners.

Construction offices, equipment, supplies, staging, and laydown areas. Environmental review must include study of construction functions, where they will be located, and their effects on residents, means of locomotion, historic properties, businesses, and commuters. The Environmental Assessment or Analysis must specify the numbers and proposed locations of project offices, equipment storage and operations, construction staging, lighting, and storage and laydown areas for supplies, as well as the routes traveled by vehicles delivering supplies, equipment, and construction materials, Based on the area taken up by the 11th Street Bridge project west of the Anacostia River, these functions could take up a lot of space on Capitol Hill, For instance, CSX has told the community it plans to use Virginia Avenue Park for construction staging, which would have adverse effects on this contributing historic property and much-used recreation amenity that is also used for a community vegetable and fruit garden. Other contributing parks, triangles, parklets, and open spaces in the vicinity could be similarly at risk, and we strongly recommend they not be used, damaged, or otherwise compromised by construction.

Location and operation of the run-around track. CSX has told the community a surface-level run-around track will be constructed and operated during project implementation. We are very concerned about where this track will be located and the effects it will have:

- Where will it be located? How close will it be to homes and businesses?
- What effects will run-around track construction have on nearby residents, businesses, and those who traverse the area?
- What are the increased noise and vibration levels expected to be, and where? What effects will they have on residents, businesses, and historic buildings?
- How often will trains run? What effects will this have on traffic in the project area? How does CSX propose to monitor and mitigate the increased noise and vibration levels? How will CSX and DDOT communicate train schedules, protocols, traffic stoppages, mitigation measures, etc, to the community?
- What alternatives are there to running trains so close to homes?

Rodent control. Rats were a big problem during Metrorail's cut-and-cover tunnel construction. There must be a sound and effective plan in place prior to construction to control rats, as well as a website and/or a hotline to report rodent problems and measures taken to avoid and/or minimize them.

Utilities. Prior to construction, CSX and DDOT need to produce a map or cutaway diagram showing utilities (gas, electric, water, communications) in and near the project area and develop a plan to avoid damage to utilities and cuts in utility service. CSX and DDOT need to communicate to the community all potential effects on utility service as a result of the project. Either the project proponents or the utilities need to create and publicize their means of handling questions and problems related to project construction – again, perhaps a hotline and/or website. Similar concerns apply to traffic lights and their operation in the project area.

Also, DC Water is beginning construction of new tunnels, diversion sewers, and related structures to control combined sewer overflows in DC. Several components, including the M Street diversion tunnel, will be very near the project area, so environmental review should address coordination with DC Water to coordinate construction plans and avoid

Environmental justice. As noted above, the Hopkins Apartments, a public housing project, are located on 12th Street, SE, in the immediate vicinity of the project area Environmental review must address any environmental justice issues that could spring from the project and identify measures and commitments to address any potential problems like noise, dust, air quality, construction staging, etc.

Long-term protection of the Anacostia River watershed. Water runoff is the most serious environmental problem affecting the Anacostia River, and it is well known that vegetation and permeable surfaces help reduce runoff, For this reason, we recommend that all possible steps be taken to minimize water runoff when Virginia Avenue and its cross-streets are re-surfaced and re-landscaped at the conclusion of the project, For example, all green space destroyed during construction should be replaced in kind, at the very least, and replacement surfacing for sidewalks and street features like triangles, etc., should be permeable materials if possible. The environmental review process should be used to identify ways to handle stormwater and reduce runoff after the VAT is finished. Regarding replacement street trees:

- Soil for replacement street trees must be good topsoil, at the proper depth necessary to support healthy mature trees. The soil should be approved in advance by the Urban Forestry Administration (UFA) and all soil installed under UFA's supervision.
- Wherever feasible, the new street tree areas should be continuous "tree lawns" rather than tree boxes separated by hardscape.
- Replacement street trees must be species approved in advance by UFA and must be planted under UFA supervision, with permits issued in advance by UFA.

The DC Department of Environment's "Anacostia River Trash Reduction Plan" (ARTRP) (2009, at www,doe,dc,gov/cwp/view,a,1209,q,499180,asp) recommends installing rain gardens to reduce runoff, Because the project area is so close to the Anacostia, we request that rain gardens be included as part of the Virginia Avenue restoration plan.

To advance the goal of a trash-free Anacostia River, we request that the recommendations of the ARTRP regarding trash reduction be implemented in this project, In particular, we urge that project planning include installing vortex separator systems (or equivalent best management practices) in all the catch basins/storm drains in the project area (see ARTRP p. 6-12 and 6-13). In addition, nearby catch basins near but not within the project area could also be retrofitted with vortex separator systems to help counterbalance the inevitable runoff from construction-related activities,

Streetscape restoration. The L'Enfant street grid, which is listed in the National Register of Historic Places, must be restored following VAT construction. Also, since much of the project is within the Capitol Hill Historic District, we want to know whether and how DDOT's "Context Sensitive Design Guidelines" will be applied to streetscape restoration. The DC Office of Planning's guidelines recommend that all construction in the area "respect the historic characteristics on the street" and comply with the Capitol Hill Historic District preservation guidelines, Street features such as replacement curbs, sidewalks, benches, and lighting are among those that must be considered and compatible,

Post-construction impacts

Because trains will run through the VAT on two tracks rather than one, often at the same time, and will be twice as tall as present trains, we are concerned about the impacts of more and heavier trains on historic structures. To what extent would vibrations increase? What would that mean in terms of the foundations of the freeway, structural integrity of nearby buildings, and noise in the neighborhood?

Communication

Given the scope of the project and its impacts on the community, we recommend full and frequent communication with the community. This should include not only conveying information to the community, but also conducting a meaningful dialog between members of the community and CSX and DDOT that provides public forums for asking questions and providing answers. This needs to happen during project review, throughout construction, and for a designated period of time following construction, We recommend the excellent model DDOT created for the 11th Street Bridge project - the 11th Street Bridge Community Communications Committee - to provide a forum during planning, design, and implementation for communicating information to community representatives, asking questions, and providing answers. Indeed, DDOT says the 11-CCC has already helped improve the project. We also recommend a website and/or hotline for reporting problems and communicating solutions.

Why not an Environmental Impact Statement?

Given the huge scale and scope of this project and its many significant impacts on the quality of the human environment, we do not understand why a full Environmental Impact Statement (EIS) is not being conducted for this project. It seems indefensible to engage in a less comprehensive analysis, the Environmental Assessment (EA) that often concludes with a Finding of No Significant Impact (FONSI). We cannot imagine that anyone could claim that this project would have no significant impacts and keep a straight face while doing so. We strongly urge that an EIS be conducted for the VAT.

Thank you for considering our scoping comments. (CHRS looks forward to continuing to participate in the environmental and Section	106 reviews for this project
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Sincerely

Elizabeth Purcell

President



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NEPA Scoping Public Comments Statement on Virginia Avenue Tunnel Project

Organization Details

There is no organization associated with this individual

Topic(s) of Interest: Appearance, Commute, Construction Staging/Storage, Effect on Neighborhood, Effect on Property Value, Funding, Noise, Parking, Public Safety, Traffic

Inquiry Source: VAT.com email Date: October 12, 2011 - 4:37pm

October 13, 2011

Parsons Brinckerhoff

Attn: Virginia Avenue Turinel Project 1401 K Street NW, Suite 701 Washington, DC 20005

Via email: contact@virginiaavenuetunnel.com

Subject: NEPA Scoping Public Comments Statement on Virginia Avenue Tunnel Project

We are residents who live at 328 I St. SE in the Capitol Quarter community. Our house is located extremely close to the Virginia Avenue tunnel and we overlook the proposed tunnel project area.

As you may be aware, Capitol Quarter is an economically and racially diverse community with ages ranging from newborn babies to elderly residents. Please note that the 2010 census is not an accurate resource for collecting and assessing demographic information about Capitol

Quarter because the census was completed in April 2010 before a large number of the

Residents, including us, moved into their homes.

Scope of VA Avenue Tunnel Project

Over the last eighteen months, CSX has held numerous community meetings about the VA Avenue Tunnel Project in anticipation of starting the NEPA process. At those meetings, CSX presented information to the Capitol Quarter and surrounding communities about their goal of adapting the current VA Ave Tunnel to accommodate the double tracking and double-stacking of trains routed through the tunnel. They have proposed digging an open trench the entire width and length of Virginia Avenue from 2nd St., SE to 11th St., SE to widen and deepen the existing tunnel under the roadway and construct temporary train tracks to use during the construction inside the tunnel. These temporary tracks would allow CSX to run trains day and night for at least three years, along the northern boundary of the entire community and possibly within a few feet of our home.

However, we believe this is only one option for how project design and construction may proceed, and we request that this scoping process expand to include consideration and assessment of all other alternatives for how the end result can be achieved with fewer negative impacts to our community and property. We are concerned for our quality of life, the safety of ourselves, our guests and pets, the effects on our health from dust, noise and pollutants, the impact on the environment, the disruption to traffic and the social

environment as well as to the continued development of commercial activities within the area, and the obvious detriment to our property structures and property value and overall loss of appeal of the neighborhood that will occur during this project and possibly beyond. Building new and very active freight tracks within feet of existing residential dwellings is virtually unprecedented and requires special

Alternatives

We recognize that the project, as conveyed to us in previous meetings, will be significantly disruptive to our lives. Therefore, we particularly request that the scope include a thorough evaluation of alternatives to the re-construction of the existing tunnel as well as solutions for alternative train routing during the re-construction timeframe.

Alternatives to the reconstruction of the existing tunnel may include, but not be limited to:

No tunnel rebuild. What is the alternative to widening the Virginia Ave Tunnel?

Can trains be re-routed onto other existing tracks that do not pass through the Virginia Avenue Tunnel? Can trains use the Baltimore Corridor Line instead of the tunnel? Or share passenger rail lines? What is the cost and timeline to implement these alternatives? Are the recommendations of previous and current National Capital Planning Commission (NCPC) studies being considered as alternatives, and if not, why?

Allowing temporary tracks to be built alongside the existing trench will likely cause some of the most extreme negative environmental, social, and economic impacts for our home. Therefore, avoiding this contiguous temporary track scenario during the construction phase may have the least impact to the community. Alternatives for train routing and traffic during the construction may include, but not be limited to:

Running trains inside of the existing tunnel during the tunnel construction phase.

Can the reconstruction of the tunnel occur at the same time as trains continue to use the tunnel? What are the impacts, costs and construction timeline to have work on the tunnel occurring while trains are also using the tunnel?

· Temporarily rerouting train traffic away from the Virginia Avenue Tunnel during the tunnel construction phase. If trains cannot run in the Virginia Avenue tunnel during construction, what is a comprehensive list of alternative routes, including the sharing of passenger tracks, that can be used around the tunnel and that would not involve building a new track next to the existing tunnel during the construction phase? What are the impacts, costs and construction timeline for trains to temporarily run on other existing rail tracks that run around the city? Can night trains run on Norfolk-Southern rail line, thereby minimizing sleep impacts?

If, after a thorough examination of all alternatives for re-routing traffic away from the tunnel improvement area, it is determined that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction, then we would request that the temporary trench be covered, especially in the areas where there are residents. It is our understanding that such "cut and cover" methods have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro

We would be interested in having CSX provide more defined information about the nature and frequency of train traffic through the area during construction as well as through the tunnel after the project has been completed.

Ecological Impacts

Virginia Avenue SE in the proposed project area currently is lined with beautiful, mature trees, many of them over 50 years old. These trees not only help the air quality, soil quality, and overall aesthetics of the street but they also create a visual and noise barrier between the freeway and the community. The removal of these trees is a negative impact of this project.

Relocation Impacts

Although all of Capitol Quarter's residents will be impacted by the proposed project, our home is located extremely close and overlooks the proposed project.

- · What are the possibilities for temporary or permanent relocation for us if the tunnel rebuilding or a possible, temporary train trench/track built alongside the existing tunnel makes our home unlivable?
- · What resources will be made available for making us whole during construction, if we are required to sell or rent our home?
- · What resources, if any, have been planned for assessing the structural integrity, both now, during and after construction, of our home?

Noise Impacts

There will be noise impacts related to this three-year project. It is our hope that these can be mitigated in a manner that causes minimal disruption to us.

Health Impacts

A major concern to us is the possibility of mice, rats, termites, roaches and other vermin, that may have made their home in or near the Virginia Avenue Tunnel, will enter our neighborhood and invade our home. As with most inner city construction projects, unwelcome critters often scatter when their "homes" are invaded. With this potential intrusion comes the risk of health issues. We request that CSX provide pest and vermin preventive and treatment services for our home during the course of the project.

Another area of interest is the ability of police, fire, and other emergency vehicles will be provided adequate space to access and traverse the neighborhood, including all streets, driveways and alleys during the course of the project.

Right-of-way/Public Space Impacts

A critical aspect of the proposed project that continues to remain unresolved is an exact determination of the boundaries for the public right of way and the CSX property lines. There is a very convincing argument that Congress gave CSX the right to lay temporary tracks only while they completed the tunnel, but not more than 100 years later. We request that a thorough field study as well as review of current and historical legal and property documents and records be conducted to clearly resolve this boundary issue. Of particular importance is a determination of what the boundaries are for areas on Virginia Avenue, contiguous to Capitol Quarter residences, which are the responsibility of the HOA, public right of way, CSX property, the National Park Service and other possible entities (City, Federal) and/or options. It is our position that these determinations must be made before a project design can be accurately proposed and assessed for impacts to contiguous private property, public right of ways.

Thank you for considering our comments and we look forward to additional opportunities to comment.

Drugal



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Organizations

Individuals Calendar Мар

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

Virginia Avenue Tunnel Project Scoping Comments

Organization Details

Organization: Capitol Quarter Home Owners Association Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Appearance, Effect on Neighborhood, Noise, Parks, Public Safety, Traffic

Inquiry Source: VAT.com email

Date: October 13, 2011 - 2:10pm

Dear Sir or Madam,

Thank you for this opportunity to provide input into the NEPA scoping process for the Virginia Avenue Tunnel Project. My understanding is that CSX has requested permission to raise the Virginia Avenue tunnel to allow double-stacked trains to travel through it, removing a critical logiam in its national system. To do this they are proposing running trains in an open trench along Virginia Avenue while they work on the tunnel for a period of up to three years. As you can imagine, a project of this nature and magnitude 100 feet behind my home raises a number of concerns. I will attempt to categorize them as logically as possible.

Vehicular and Pedestrian Access

Virginia Avenue cuts across the major north/south access points from my home into and out of my neighborhood. Several times a week I walk my dogs over to Garfield Park, crossing Virginia Avenue on foot on either 3rd or 4th Streets, FedEx, UPS, and US Postal Service trucks all must cross Virginia Avenue to deliver mail and packages to my home. Emergency vehicles such as amublances and fire trucks would need to cross Virginia Avenue to my home should I require emergency services. As such, it is very important to me that those north-south thoroughfares are maintained throughout the course of the construction for both vehicular and pedestrian traffic.

Additonally, both egress points of the alleyway behind my home are on Virginia Avenue, This alleyway provides access to my garage, access for mail delivery, trash and recycling pick-up, and for emergency vehicles. It is very important to me that vehicular access to my alleyway be provided throughout the course of

Accordingly I respectfully request that CSX identify its plans to maintain vehicular and pedestrian access to allow expeditious travel into and out of our neighborhood, and identify how they plan to maintain access to all alleyways particularly the one serving the block bounded by Virginia Avenue, 3rd and 4th Streets, and I Street.

My neighbors and I are no strangers to construction noise with the second phase of the Capitol Quarter townhouses continuing directly across the street and the reconstruction of 200 I Street SE directly to the east of my block. A project of the nature that CSX is proposing, however, would be a whole other level. There would be the noise of tunnel construction, potentially pile driving to stabilize the tunnel and Southeast-Southwest Freeway during construction, and then the noise of freight trains running in an open trench along Virginia Avenue. I request that CSX address its plans to reduce the noise from its construction and freight operations to levels that allow us to sleep, work, and enjoy our homes as part of the Impact process.

Health Considerations

Daylighting a tunnel that is over 100 years old raises several health-related concerns. Will asbestos or other environmental toxins be released into the local environment? How will CSX prevent rats and other vermin from moving out of the tunnel and into our homes? What protections will be in place to protect us from exposure to potential spills and derailments in the temporary trench? Again, I respectfully request that CSX share its plans to protect the health of people who live in my neighborhood during its construction project.

Protection to Surrounding Homes and Structures

As mentioned, my home is roughly 100 feet from the proposed construction. Many of my neighbor's homes are even closer, some no more than 15 feet away. What protections will CSX put in place to prevent damage to the foundations or other structural damages to our homes that may result from their construction? What remedies and claims process will CSX put into place to compensate us if such damage occurs?

Neighborhood Aesthetics

I would like to understand CSX's plans to minimize the aesthetic impacts of their construction on our neighborhood including lighting, landscaping, and similar issues during the construction process. I would also like to understand their plans to restore items like old growth trees, landscaping, and other items that make our neighborhood an attractive place to live. I would also respectfully request that CSX powerwash the exterior of our homes after construction to remove dust and dirt that will accumulate on the exteriors as a result of construction.

Impact on the Southeast Riverfront Neighborhood as a Whole

The larger neighborhood that my home is located in has been the site of much positive redevelopment over the past 6-7 years. Prior to the construction of Nationals Park and the redevelopment of the Capper-Carrollsburg housing projects this neighborhood could most kindly be described as blighted. Since that time it has enjoyed significant economic investment, making it an attractive place to live and work, and generating significant revenue for the District of Columbia from property and sales taxes. It is very important to me that CSX's construction not impact this continued redevelopment, and I would like to understand how CSX plans to ensure that people will be able to travel into the neighborhood and park here to enjoy the hard-won amenities we now enjoy to ensure there is incentive for continued economic development during the three year construction period.

As you can see from the above list of concerns, this project will have a major impact on my enjoyment of my home and those of my neighbors, as well as potentially on our health and property values. Thank you for this opportunity to share these concerns as part of the NEPA process, and I look forward to understanding CSX's plans for mitigation of these impacts. With best regards, Laura Salmon

● Drupat

CAPITOL HILL RESTORATION SOCIETY



P.O. Box 15264 Washington, DC 20003-0264

October 13, 2011

Mr. Joseph C. Lawson Division Administrator Federal Highway Administration DC Division 1990 K Street, NW, Suite 510 Washington, DC 20006-1103

Subject: Scoping Comments for the Environmental Assessment of the CSX Virginia Avenue Tunnel Project in Southeast Washington, DC

Dear Mr. Lawson:

Thank you for the opportunity to provide Scoping Comments as part of the Environmental Assessment for the CSX Virginia Avenue Tunnel Project (VAT) in Southeast Washington, DC. The Capitol Hill Restoration Society (CHRS) appreciates the opportunity to share with the Federal Highway Administration, District of Columbia Division (FHWA-DC), the DC Department of Transportation (DDOT), and other involved agencies its comments and concerns about the many impacts this extensive project will have on the Capitol Hill community and the Capitol Hill Historic District (CHHD). As the oldest and largest civic organization on Capitol Hill and one of the largest in the city, CHRS is committed to preserving the historic fabric and character of Capitol Hill and protecting its neighborhoods, environment, cohesiveness, and residential nature.

The proposed major project, as described by CSX in earlier meetings and on the project website (www.virginiaavenuetunnel.com) is huge in scope and scale, as well as in its potential for substantial environmental and human impacts. Many people live, work, and attend school on or near Virginia Avenue and the project area. While we understand the need to remedy the bottleneck posed by the existing tunnel, we have many areas of concern about the number, seriousness, and scope of the environmental impacts the project would have on Capitol Hill residents, neighborhoods, historic and natural resources, and businesses.

Planning and coordination with other nearby projects and initiatives

There are a number of construction projects in the project vicinity, including the DC Water Combined Sewer Overflow Control projects, the 11th Street Bridge project, the Canal Park project, the South Capitol Street project, and other CSX projects such as the Track Lowering Projects at New Jersey Avenue SE, 10th and 12th Streets SW, and

an I-395 ramp. The New Jersey Avenue Track Lowering Project will also take place on Capitol Hill, but the community has no information about the project, when it will take place, nor how it will interface with the tunnel project. In addition, the National Capital Planning Commission (NCPC) has instituted a Southwest Ecodistrict Initiative. We understand that the first plan of this initiative is a Maryland Avenue Small Area Plan to deck over Maryland Avenue, SW, and thereby place the tracks in a tunnel as far east as 7th Street, SW (Hancock Park). Contributing to the potential for lack of planning coordination is that FHWA and DDOT are overseeing the VAT project, while NCPC and the city's Office of Planning are overseeing the Maryland Avenue Plan.

We and many others in the community are very concerned about how this coordination and the potentially conflicting construction plans and timetables are going to play out in our community and historic district. We also wonder why the tracks are proposed to remain open and for the most part elevated between 2nd Street SE and 7th Street SW – where they apparently would go underground again – thus continuing to pose security issues near the U.S. Capitol complex, noise, and visual obstruction of the L'Enfant grid.

Construction planning for the VAT and associated run-around track must be coordinated with planning for these other construction projects and initiatives, and potential problems must be identified and sufficiently addressed during the VAT's project review. As part of the Environmental Assessment and Section 106 review of the VAT, these issues must be fully identified, considered, explored, and addressed in full consultation with members of the affected community both prior to and during construction. Public meetings and other outreach to the community must take place to fully communicate regarding these planning and coordination issues and to hear and address community concerns.

Historic and cultural resources

Because the project will cross the Capitol Hill Historic District and lies wholly within the area encompassed by the L'Enfant Plan for the City of Washington – which is also listed in the National Register of Historic Places – it has the potential to adversely affect numerous contributing historic properties. There are direct and indirect risks not only to two historic public parks, but also to the structural integrity of many contributing historic buildings. Virginia Avenue Park is a contributing property in both the CHHD and the L'Enfant Plan that now has green space, picnic areas, and a community garden. CHRS was quite concerned to hear that CSX was expecting to use this park for construction staging, leading us to fear for other nearby historic properties as well. Garfield Park, another contributing property and a treasured green space in the CHHD, includes playgrounds for small children, benches, and tennis courts.

We are also concerned about project effects on other historic properties in or very near the project area. St. Paul's AUMP Church at 401 Eye Street SE, a recently designated DC Landmark, sits barely half a block from the tunnel. As for the tunnel itself, the DC State Historic Preservation Office (SHPO) concurred in 2009 that the 107-year-old VAT is eligible for the National Register. The SHPO further found that the VAT's proposed demolition would constitute an adverse effect on this historic property, which would be lost because of the project. In addition, given the huge amount of ground

disturbance involved, there is considerable potential that significant archeological properties may be encountered, including a known archeological site near the $11^{\rm th}$ Street portal.

Construction-related impacts

Noise and vibration. The extensive ground-disturbing activities involved in the cutand-cover approach CSX has described in meetings with community groups will have huge adverse impacts in and beyond the construction area, as will demolition of the existing tunnel. The digging, potential blasting and other high-impact destructive activities, run-around track construction, transfer of dirt into dump trucks, dirt hauling, and moving of construction equipment will create a lot of loud noise and dangerous vibration levels likely to adversely affect nearby homes and businesses, some of which will be mere yards away from the project area. In addition, operation of the above-ground run-around track during construction will subject residents, customers, workers, and schoolchildren to serious noise levels they would otherwise not experience, in addition to subjecting fragile historic buildings to additional vibrations.

During the Environmental Assessment process, noise levels at nearby locations should be measured, after which modeling should be conducted to estimate noise levels during the construction period. These locations should include, at the least, Capitol Quarter yards and interiors closest to Virginia Avenue; the southern part of Garfield Park; outdoor seating areas of Barracks Row businesses near the project area; the southern corner of the Marine Barracks; Capitol Hill Day School (2nd & South Carolina, SE); outside homes between 4th and 6th Streets SE near westbound Virginia Avenue; the middle of the 100 block of 7th Street SE; Virginia Avenue Park; Dog-Ma on Virginia Avenue; Tyler Elementary School (block bounded by G, I, 10th and 11th Streets SE); and the Hopkins Apartments (a public housing project in the 1200 block of 12th Street, SE) to establish baseline noise levels. Then noise levels should be monitored periodically during construction and appropriate measures taken to reduce unacceptably loud levels. CHRS strongly recommends that CSX, DDOT, and FHWA-DC explore and implement all possible measures to avoid and/or minimize noise impacts.

Potential vibration damage to walls, ceilings, and foundations from construction activities and operation of the run-around track is also a major concern. Many historic buildings on Capitol Hill suffered interior and/or exterior damage from the recent earthquake, and historic houses on D Street, SE, particularly between First and Second Streets, were damaged due to underground subway construction. In addition, houses on F Street, NE, were damaged by vibrations when a bus line was shifted to F Street. These events sensitized the Capitol Hill community to how vulnerable historic buildings are to vibration damage. We recommend detailed engineering studies on noise and vibration levels for every stage of this project, particularly on historic buildings and landmarks, and pre-construction inspection of buildings closest to the construction area to establish a baseline for potential construction-related reports and claims. CSX must explore and implement measures to avoid and/or minimize impacts of vibrations on fragile historic structures; conduct frequent monitoring during construction for vibrations at sensitive locations; communicate frequently with owners of affected properties; make vibration studies available online; make experts available

at public meetings to answer questions from the community; and develop a plan of action to be immediately implemented if vibration damage is noted.

Dust and air quality hazards. Many cubic yards of material will be excavated and removed in hundreds of truckloads during project execution, including soil and asphalt. These materials need to be tested before removal to determine whether they include any hazardous substances. If they do, the community must be informed as to the specific hazardous materials, in advance of removal, along with the timetable for removal and plans for complying with EPA rules and protecting humans, wildlife, and the watershed. Even if none of the materials removed are hazardous, excavation and removal will produce dust, which must be controlled. Trucks must use tarps, and other measures should be taken to reduce and minimize levels of ambient dust in this area where people live, work, walk, and cycle. The same dust-reduction measures need to be taken near the end of the project when the "cover" part of the project is implemented.

Stormwater drainage. With the amount of digging and trenching this project will entail, runoff from the project area needs to be considered during environmental review to protect the Anacostia River watershed and avoid soil erosion. This must include identifying, committing to, and implementing measures to be taken to minimize, contain, direct, and treat construction area runoff so the river does not suffer adverse project-related effects.

Traffic, pedestrian, cycling, and public transportation impacts. Since the proposed project would tear up Virginia Avenue and its vicinity, we have many traffic-related concerns. Virginia Avenue and its cross streets are heavily traveled by residents and commuters alike and provide access to homes, businesses, workplaces, neighbors, restaurants, and the SE/SW Freeway. With closure of the 8th Street ramp onto the freeway and tunnel construction adjacent to the 3rd Street ramp, residents will suffer very limited access to the 11th Street Bridge and other parts of the city. With the project crossing and dividing Capitol Hill and Barracks Row Main Street, we will also suffer limited access to parts of our own community, which could harm businesses, constrain efforts of the Capitol Riverfront BID, and adversely impact community cohesiveness. Traffic-related questions to address during environmental review include:

- Where, when, and for how long will Virginia Avenue, or portions of it, be closed?
- Where, when, and for how long will Virginia Avenue cross streets be closed?
- Would construction activities necessitate any closure of the New Jersey Avenue bridge?
- How will detours caused by any closings be routed, and what effects will these detours have on narrow residential streets?
- Will 8th Street be closed at Virginia Avenue to vehicles, pedestrians, and cyclists, and if so, when and for how long? And if so, how would economic and other adverse impacts on Barracks Row businesses be addressed? Avoided? Minimized? Mitigated?
- How will pedestrian and bicycle access on and across Virginia Avenue be maintained and facilitated?
- How will street closings affect Metrobus and Circulator routes and riders? Will bus stops have to be relocated, and if so, where to?

 How will Capitol Hill residents, workers, and business patrons be notified of street closures, detours, parking constraints, and rerouting of buses? Ongoing communications with the public will be crucial during project planning and implementation.

Parking. Many Capitol Hill residents have nowhere to park their cars except on the street. What impact will street closures, detours, and construction activities have on residential parking availability? Project proponents need to bear in mind that residents must be able to park reasonably close to their homes. Also, a number of people patronizing Capitol Hill businesses need places to park their cars nearby, and reduced on-street parking could reduce customer visits to Hill businesses. Will the parking lot under the SE Freeway remain open during tunnel construction?

Construction hours. Given the close proximity of the project area to so many homes and the nature of the construction activities, it will be crucial to limit construction hours to times acceptable to residents. All legal restrictions and constraints on work hours and work days must be complied with and communicated to residents so they know what to expect. We recommend that lines of communication be established – perhaps a hotline and/or website – for residents to report problems and receive feedback on actions taken in response to problems.

Economic impacts. Barracks Row Main Street has recently enjoyed a wonderful revitalization and renovation, and has become a very successful center of restaurant and retail activity. Many civic and community-based organizations are energetically engaged in efforts to similarly revitalize Barracks Row south of the freeway to create a seamless, unified commercial strip extending from Eastern Market Metro Plaza to M Street that would contribute to the Capitol Riverfront revitalization. This project promises to disrupt and impede those efforts with street closures and a ditch across Barracks Row at Virginia Avenue. This community cannot afford to compromise the economic success of those businesses and revitalization projects, and neither can the city. The Environmental Assessment must address these economic issues very seriously and identify measures to avoid, minimize and/or mitigate adverse impacts.

In addition, we have concerns regarding the direct economic impact the project will have on two affected local businesses, the Charley Horse Carriage Company located under the freeway and above the tunnel below Garfield Park, and Dog-Ma, a dog daycare and boarding business at 821 Virginia Avenue SE. We understand the owner of Charley Horse has received an eviction notice from the DC government. The economic impact on this business, which will incur relocation costs and other difficulties, should be evaluated and meaningfully mitigated, as should the health and well-being of the company's horses. The financial success of Dog-Ma is also likely to be at risk due to the effects of daily construction noise, vibrations, bustle, and dust on the dogs, whose owners might seek other options to protect their pets from these stressors. The around-the-clock, 24/7, operation of the run-around track with its very loud noise so close to Dog-Ma is also likely to stress the animals and concern their owners.

Construction offices, equipment, supplies, staging, and laydown areas. Environmental review must include study of construction functions, where they will be located, and their effects on residents, means of locomotion, historic properties,

businesses, and commuters. The Environmental Assessment or Analysis must specify the numbers and proposed locations of project offices, equipment storage and operations, construction staging, lighting, and storage and laydown areas for supplies, as well as the routes traveled by vehicles delivering supplies, equipment, and construction materials. Based on the area taken up by the 11th Street Bridge project west of the Anacostia River, these functions could take up a lot of space on Capitol Hill. For instance, CSX has told the community it plans to use Virginia Avenue Park for construction staging, which would have adverse effects on this contributing historic property and much-used recreation amenity that is also used for a community vegetable and fruit garden. Other contributing parks, triangles, parklets, and open spaces in the vicinity could be similarly at risk, and we strongly recommend they not be used, damaged, or otherwise compromised by construction.

Location and operation of the run-around track. CSX has told the community a surface-level run-around track will be constructed and operated during project implementation. We are very concerned about where this track will be located and the effects it will have:

- Where will it be located? How close will it be to homes and businesses?
- What effects will run-around track construction have on nearby residents, businesses, and those who traverse the area?
- What are the increased noise and vibration levels expected to be, and where? What effects will they have on residents, businesses, and historic buildings?
- How often will trains run? What effects will this have on traffic in the project area? How does CSX propose to monitor and mitigate the increased noise and vibration levels? How will CSX and DDOT communicate train schedules, protocols, traffic stoppages, mitigation measures, etc. to the community?
- What alternatives are there to running trains so close to homes?

Rodent control. Rats were a big problem during Metrorail's cut-and-cover tunnel construction. There must be a sound and effective plan in place prior to construction to control rats, as well as a website and/or a hotline to report rodent problems and measures taken to avoid and/or minimize them.

Utilities. Prior to construction, CSX and DDOT need to produce a map or cutaway diagram showing utilities (gas, electric, water, communications) in and near the project area and develop a plan to avoid damage to utilities and cuts in utility service. CSX and DDOT need to communicate to the community all potential effects on utility service as a result of the project. Either the project proponents or the utilities need to create and publicize their means of handling questions and problems related to project construction – again, perhaps a hotline and/or website. Similar concerns apply to traffic lights and their operation in the project area.

Also, DC Water is beginning construction of new tunnels, diversion sewers, and related structures to control combined sewer overflows in DC. Several components, including the M Street diversion tunnel, will be very near the project area, so environmental review should address coordination with DC Water to coordinate construction plans and avoid construction-related problems.

Environmental justice. As noted above, the Hopkins Apartments, a public housing project, are located on 12th Street, SE, in the immediate vicinity of the project area. Environmental review must address any environmental justice issues that could spring from the project and identify measures and commitments to address any potential problems like noise, dust, air quality, construction staging, etc.

Long-term protection of the Anacostia River watershed. Water runoff is the most serious environmental problem affecting the Anacostia River, and it is well known that vegetation and permeable surfaces help reduce runoff. For this reason, we recommend that all possible steps be taken to minimize water runoff when Virginia Avenue and its cross-streets are re-surfaced and re-landscaped at the conclusion of the project. For example, all green space destroyed during construction should be replaced in kind, at the very least, and replacement surfacing for sidewalks and street features like triangles, etc., should be permeable materials if possible. The environmental review process should be used to identify ways to handle stormwater and reduce runoff after the VAT is finished. Regarding replacement street trees:

- Soil for replacement street trees must be good topsoil, at the proper depth necessary to support healthy mature trees. The soil should be approved in advance by the Urban Forestry Administration (UFA) and all soil installed under UFA's supervision.
- Wherever feasible, the new street tree areas should be continuous "tree lawns" rather than tree boxes separated by hardscape.
- Replacement street trees must be species approved in advance by UFA and must be planted under UFA supervision, with permits issued in advance by UFA.

The DC Department of Environment's "Anacostia River Trash Reduction Plan" (ARTRP) (2009, at www.ddoe.dc.gov/cwp/view,a,1209,q.499180.asp) recommends installing rain gardens to reduce runoff. Because the project area is so close to the Anacostia, we request that rain gardens be included as part of the Virginia Avenue restoration plan.

To advance the goal of a trash-free Anacostia River, we request that the recommendations of the ARTRP regarding trash reduction be implemented in this project. In particular, we urge that project planning include installing vortex separator systems (or equivalent best management practices) in all the catch basins/storm drains in the project area (see ARTRP p. 6-12 and 6-13). In addition, nearby catch basins near but not within the project area could also be retrofitted with vortex separator systems to help counterbalance the inevitable runoff from construction-related activities.

Streetscape restoration. The L'Enfant street grid, which is listed in the National Register of Historic Places, must be restored following VAT construction. Also, since much of the project is within the Capitol Hill Historic District, we want to know whether and how DDOT's "Context Sensitive Design Guidelines" will be applied to streetscape restoration. The DC Office of Planning's guidelines recommend that all construction in the area "respect the historic characteristics on the street" and comply with the Capitol Hill Historic District preservation guidelines. Street features such as replacement curbs, sidewalks, benches, and lighting are among those that must be considered and compatible.

Post-construction impacts

Because trains will run through the VAT on two tracks rather than one, often at the same time, and will be twice as tall as present trains, we are concerned about the impacts of more and heavier trains on historic structures. To what extent would vibrations increase? What would that mean in terms of the foundations of the freeway, structural integrity of nearby buildings, and noise in the neighborhood?

Communication

Given the scope of the project and its impacts on the community, we recommend full and frequent communication with the community. This should include not only conveying information to the community, but also conducting a meaningful dialog between members of the community and CSX and DDOT that provides public forums for asking questions and providing answers. This needs to happen during project review, throughout construction, and for a designated period of time following construction. We recommend the excellent model DDOT created for the 11th Street Bridge project – the 11th Street Bridge Community Communications Committee – to provide a forum during planning, design, and implementation for communicating information to community representatives, asking questions, and providing answers. Indeed, DDOT says the 11-CCC has already helped improve the project. We also recommend a website and/or hotline for reporting problems and communicating solutions.

Why not an Environmental Impact Statement?

Given the huge scale and scope of this project and its many significant impacts on the quality of the human environment, we do not understand why a full Environmental Impact Statement (EIS) is not being conducted for this project. It seems indefensible to engage in a less comprehensive analysis, the Environmental Assessment (EA) that often concludes with a Finding of No Significant Impact (FONSI). We cannot imagine that anyone could claim that this project would have no significant impacts and keep a straight face while doing so. We strongly urge that an EIS be conducted for the VAT.

Thank you for considering our scoping comments. CHRS looks forward to continuing to participate in the environmental and Section 106 reviews for this project.

Sincerely,

Elizabeth Purcell President

Cc: Tommy Wells, Ward 6 Councilmember
Michael Hicks, Environmental/Urban Engineer, FHWA-DC
David Maloney, State Historic Preservation Office
C. Andrew Lewis, Senior Preservation Specialist, DC Historic Preservation
Office

Reid Nelson, Director, Office of Federal Agency Programs, Advisory Council on Historic Preservation

Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation Steve Whitesell, Regional Director, National Capital Region, National Park Service

Faisal Hameed, Chief, Project Development, Environment and Sustainability Planning, DDOT

Chip Dobson, Director of Strategic Infrastructure Initiatives, CSX Stephen Flippin, Director of Federal Affairs, CSX

David W. Levy, Director, Urban Design and Plan Review, National Capital Planning Commission

Thomas Luebke, Secretary, Commission of Fine Arts Steve Plano, Parsons Brinckerhoff



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Home

Organizations

Individuals

Calendar

Мар

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

List of questions to be answered

Organization Details

There is no organization associated with this individual.

Topic(s) of Interest: Appearance, Commute, Construction Staging/Storage, Construction Timeline, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Public Safety, Signage, Traffic, Vibration Inquiry Source: VAT.com email

Date: October 14, 2011 - 1:48pm

I would like to know the following, please respond individually to all questions. Thank you

- 1) Is the VA Ave Tunnel Project a design build project?
- 2) Why do you need to run train doubles on the temporary track?
 3) can normal operations (as in current operations) run on the temporary track with single trains if a covered trench was put in place?
- 4) Timeline when existing track will be down to when the new track and tunnel will be operational? 5) where will the construction workers park?

- 6) what hours will construction take place?
 7) how many days of the week will construction take place?
- 8) will construction take place on holidays? if so what ones? ie, Thanksgiving?, Christmas?, New Year's? 9) what will be done to ensure safety around construction?
- 10) will there be tower lights and other sources of light on the project?
- 10a, if so what kinds? 10b, Where will they be placed?
- 10c. Will they run off generator power? 10d. what hours will they be turned on?
- 10e, what about when trains run thru the temporary tracks?
 11) noise, what times will trains be coming thru?
- 12) what types of trains will be coming thru? 12a, how long?

- 12b, what types?
 12c, Will trains hauling trash be covered?
 12d, what time will trash trains be passing by residential houses?
- 13) traffic: how will traffic be diverted in and around the construction zone? How will all traffic coming off of the highway be routed?
- 13a. In prior documents a proposed route was having traffic coming off the freeway pass under the highway and back around to 4th street SE.

 Has it been evaluated if VA Ave North of the highway could be made TWO-WAY from 4th Street SE to 8th St SE to accommodate traffic coming off the hwy and not have to flow all
- traffic thru residential streets?
- 14) what trees will be removed?15) will all tree's removed be replaced?
- 16) with what size of tree will be placed for trees removed?
 17) will CSX, post construction, replace ANY of the new trees or any that die as a result of construction, and replace the new trees that do no survive post construction (dead trees) again, will CSX replace, for up to 10 years post completion of the new lunnel any trees that are new or old in the entire surround area of the entire VA tunnel project?

 18) will CSX hold monthly meetings to update the community on the progress of the project?

 19) Can CSX divert all train traffic that currently uses the VA Ave Tunnel and perform the enlargement of the tunnel without having build a temporary track?

- 19a. if no? then explain how and why this is not currently possible?
 20) will security, as in a manned live security guards, be placed on site, 24 hours 7 days a week at and around the entire construction site and construction period from start to finish of the project?
- 21) What speed will trains be traveling thru the temporary track?
- 22) What is the absolute minimum speed that trains can pass thru any EXPOSED Temporary tracks in residential areas?
 23) What is the absolute maximum speed that trains can pass thru any EXPOSED Temporary tracks in residential areas?
- 22) What is the absolute minimum speed that trains can pass thru the new tunnel when it is completed in residential areas?

 33) What is the absolute maximum speed that trains can pass thru the new tunnel when it is completed in residential areas?
- 24) Can trains be slowed to an absolute minimum speed to minimize disruptions to the residential neighborhoods in residential areas?
 25) at what speeds do trains currently travel when passing thru the existing VA Tunnel in residential areas?
 26) at what speeds will trains travel when passing thru the completed new VA Tunnel in residential areas?

- 27) will CSX fully fund the project upfront?

 27a. If CSX goes bankrupt or is bought or sold in the course of the construction, is their a clause that ensures this project will be completed on schedule and all agreed to plans be carried out? 28 will on site welding be taking place?

- 28a, what will be done to ensure eye safely for humans and canines within the visibility of any exposed welds?
 28b. what can be done to ensure that all welding would be done in covered areas therefore not exposing any harmful light?
- 29 where will construction equipment be stored? 30 where will earth soils, rocks, etc be removed to?

- 31, will heavy equipment follow prescribed routes and STAY away from residential routes that can be predetermined?

 31a. will CSX ensure and develop a comprehensive CONSTRUCTION ZONE for all heavy equipment that is coming to and from the construction site that can be enforced with penalties if heavy equipment is transported when other less disruptive routes could be utilized?

 31b. will CSX work with residents and develop a CONSTRUCTION ZONE that will clarify and establish certain zones where NO heavy equipment may be operated upon when
- other less disruptive routes could be utilized?

- 32. will the area outside and near entire Construction Zone be FREE and CLEAN STREETS and grass of loose, small and large debris such as nails, boards, rocks, dirt, dust (dust, to the best extent possible).
- 32b, will CSX have daily, weekly or monthly road cleaning equipment to ensure that all debris and construction materials are contained and removed from the surrounding constructions zones?
- 32b. what plan does CSX have for ensuring the construction zone and all areas around and surrounding the entire constriction zone are clean and free of loose debris and loose particles?
- particles?
 33. will there be any blasting or other methods in use during construction?
 34. will there be cranes in place?
 34a for how long?

- 34b what size? 35, what will done to protect the environment during construction caused by heavy rains? wind? snow? sun exposure?
- 36. Will there ever be trains that idle in the temporary track? what kind of trains? for how long? does this pose any health risk? 36. do uncovered trash trains that idle in one location pose any health risk to the public? or animals?
- 37. what if any is CSX plan or how do they handle any rodents during the construction in and around the entire project?
 38. access to Garfield park? will there be a safe & protected
- (barriers) sidewalks for people and animals to walk from any of the following roads under the hwy to Garfield park,,,2nd & 3rd streets SE,
- 39. will there be protected and separate with barriers erected to ensure that pedestrians and animals can walk on streets without heavy equipment or obstacles in their way? Will these protected and free from any construction equipment pathways be large enough for both people, bikes, baby strollers etc can all utilize without concern for safety from
- construction or other items?
 40) A phone number to call in emergencies 24/7

- 40) An priorie intoler to dain if entergencies 247
 41) What is the right of way for this project?
 42) Who grants the right of way for the CSX project?
 43) What exactly are the permits needed for this project (entire scope)?
 44) Who is CSX coordinating this project with all of other major construction projects coinciding with this work?
 45) How can we be assured that this work will not compromise the structural integrity of our homes?
- 46) Who will oversee the safety and security of our neighborhood and property during the course of this project?
 47) When will the next meeting present us with more detailed plans and information?
- 49) derailment? What happens is a train derails in the open trench in the blocks along VA Ave between 3rd and 6th street SE in close proximity to residential homes?

 49) At what level will the trench be dug?

- 50) Will trains on the temporary track that could derail ever pose a threat to residential homes along VA Ave between 3rd and 6th street SE?
 51) at what speed would a train safely need to travel on the temporary track to ensure it could not pose a threat to any residential dwelling it passes by along VA Ave between 3rd and 6th street SE?
- 52) what is the exact size, depth, and measurements of the proposed temporary track and trench? How long will it be in place? Will it be covered? Can it be covered? Why will it not be covered? How close will this temporary track be to school zones? Residential homes?
- Business? Roads? Sidewalks? What type of barriers will be used to separate this temporary track and trench from cars, humans and animals?





Virginia Avenue Tunnel Dashboard

Home

Organizations

Individuals

Calendar

Мар

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

CSX - Virginia Avenue Tunnel Project

View

Edit

Organization Details

There is no organization associated with this individual,

Topic(s) of Interest: Appearance, Construction Timeline, Noise, Parks, Public Safety, Requests Inquiry Source: GMail Account, VAT,com email

Date: October 14, 2011 - 11:28am

Dear Sir or Madam.

I was unable to attend the September 14, 2011 Public Scoping Meeting on the Virginia Avenue Tunnel and Environmental Assessment and Section 106 Compliance. Please find my comments here.

It is a matter of public record that CSX is a viable corporation with a strong record of generating profits. In July of 2011, CSX announced record profits of \$500 for is second quarter. This is a 28% increase over the previous year and puts CSX on track to generate \$2 billion dollars of profit annually. While of course the appropriate proportion of this should go to compensate CSX shareholders, it is clear that CSX has the resources to complete the Virginia Avenue Tunnel Project without imposing any undue costs on the community.

As a resident of the community, I want to be sure that the detailed plans for the project are made available for public comment. What is available on the website is very limited.

The website states that while Virginia Avenue may be closed, all cross streets will be open for "the majority of the project." If the project is three years, this means cross streets might be closed for just short of 18 months. CSX should make clear in precise detail how long streets will be closed and what effects they expect this to have on traffic and the ability of community members to circulate freely.

Safety is a concern. I have a 3.5 year old daughter, How will the site be kept safe so that she and other neighborhood children do not get hurt? Also, the tunnel will have accumulated 100 years of coal dust and soot, I understand these are very fine particulars that a hazardous to human health, especially to the health of children. How does CSX plan to ensure that it does not release particular into the air when excavating?

The trees in the area of the Virginia Avenue are an important part of the neighborhood. The are the main means of beautifying the barrier between the highway and the residential area, How does CSX plan to preserve these trees?

What kinds of additional noise might be generated and how does CSX plan to mitigate noise during the project? What about afterwards?

The project description talks of limited ability to lower the tracks and raising the ceiling of the tunnel. What exactly is intended. What are the implications for noise and vibrations once the project is complete? Will the street level be changed at all? If so, how might that effect watershedding in the area. I expect that these questions will be answered in full by the assessment process.

Finally, CSX what will Virginia Avenue look like when the project is finished? What type of pedestrian space will there be? How can CSX work with the city and federal official to make Virginia Avenue a more beautiful and vibrant area of our community after this project is finished, as well as ensuring minimum inconvenience during its implementation.

Like many of my neighbors, I will be reading all public documents very carefully. We expect full answers that address our concerns, I urge CSX and the federal and city authorities involved in the permitting process to make this proposed project an opportunity for a positive improvement of Virginia Anvenue and the surrounding community, one that not only eliminates or drastically reduces any negative on the community, but creates a positive vision for a new tunnel in a handsome, safe, and well functioning area of our community.

Many thanks in advance for receiving and considering these comments, I look forward to the next steps in the process.

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Virginia Avenue Tunnel Dashboard

Home

Organizations

Individuals

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

NEPA Scoping Comments •

View

Edit

Organization Details

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Topic(s) of Interest: Air Quality, Appearance, Construction Staging/Storage, Effect on Neighborhood, Effect on Property Value, Public Safety Inquiry Source: VAT.com email

Date: October 14, 2011 - 8:15pm

October 14, 2011

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project

1401 K Street NW, Suite 701

Washington, DC 20005

Environmental Impact Statement

The implications of the Project, and of the National Gateway of which it is a part, are enormous in scope. Your review should be appropriately comprehensive. The Project warrants findings of significant impact and the preparation of an Environmental Impact Statement.

The CQ HOA Comments express many of the broad-ranging local concerns, as well as some of the national concerns (e.g., threats to the nation's capital due to train accidents and terrorist attacks on trains). The comments also propose alternatives – including rerouting trains during, or instead of, tunnel reconstruction – that would have impacts regionally, if not nationally. The potential impacts discussed in the CQ HOA Comments are themselves worthy of a finding of significant impact.

Moreover, the Project is a cornerstone of CSX's National Gateway, an \$842 million multistate public-[private infrastructure initiative seeking to increase the use of double-stack intermodal trains between the Mid-Atlantic ports and the Midwest. The target completion date of the National Gateway. 2015, coincides with the expansion of the Panama Canal, which is expected to bring more traffic through East Coast ports. Thus the implications of the proposed federal action associated with the Project extend to the entire hemisphere.

As NEPA requires evaluation of indirect and secondary impacts, your review for the Project should embrace all of the human, social, economic and ecological effects of the contemplated increase in freight traffic through the nation's capital and throughout all affected neighborhoods and ecosystems, including those throughout the Eastern Seaboard.

Note that the proposed increase in freight shipments through the Virginia Avenue Tunnel would also adversely affect the experiences of visitors to the National Mall, especially the Jefferson Memorial.

Relocating the Existing Rail Line

We request a full evaluation of the alternative of relocating the existing rail line so that freight is no longer shipped through the Virginia Avenue Tunnel. The existing rail line, even without changes, presents significant safety and security concerns.

NEPA Scoping Comments

The National Capital Planning Commission ("NCPC"), a cooperating agency for NEPA review of the Project, published a Freight Railroad Realignment Feasibility Study in April 2007.

The contemplated NEPA review should address this study and any relevant subsequent studies and developments. For example:

- The area near the Virginia Avenue Tunnel is more populated today, with new residents, workers, and visitors including crowds that gather for baseball games and other events at Nationals Stadium, which opened in 2008, This added population may increase the appeal of this area for terrorist attacks. The stadium crowds also present new challenges for emergency evacuation plans.
- Following Osama bin Laden's death, U.S. intelligence learned that Al-Qaeda had been strategizing about attacks on the nation's rail systems.
- The August, 23, 2011 earthquake may have weakened the existing tunnel. The earthquake also provides a sobering reminder that natural disasters may trigger detailments in the densely populated nation's capital.

We thank you for your consideration.

Respectfully submitted,

....

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Virginia Avenue Tunnel Dashboard

Home

Organizations

Individuals

Calendar

Мар

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

NEPA Scoping Public Comments

View

Edit

Organization Details

There is no organization associated with this individual,

Topic(s) of Interest: Appearance, Commute, Construction Timeline, Effect on Neighborhood, Effect on Property Value, Noise, Public Safety, Traffic, Vibration

Vibration

Inquiry Source: VAT.com email

Date: October 14, 2011 - 3:40pm

October 14, 2011
Parsons Brinckerhoff
Attn: Proposed Virginia Avenue Tunnel Project
1401 K Street NW, Suite 701
Washington, DC 20005
Strict NEDA Spacing Bublic Commonts State

Subject: NEPA Scoping Public Comments Statement on Proposed Virginia Avenue

Tunnel Project

To Whom It May Concern:
We are submitting this letter as residents of Capitol Quarter who live on the block
between 3rd and 4th Streets and Virginia Avenue and I St. It is the block that will be most
directly affected from the potential project that CSX has proposed to widen the tunnel
below Virginia Avenue in connection with its National Gateway project. We appreciate
the opportunity to provide our comments and understand that there are a wide variety of

interests from many stakeholders to consider in the NEPA process. We fully support, endorse and adopt herein the comments and questions included in the letter submitted by the Capitol Quarter Home Owners Association ("CQHOA") through its Board of Directors on October 14, 2011 and attach that letter here. We offer further questions and comments below to expand on some of the topics discussed in that letter as well as add some concerns not mentioned in the letter. Many of our concerns are specific to the residents of our block that will be the most directly affected by the proposed

project.

1. Alternatives to the proposed project- Here we adopt all of the questions raised in the CQHOA's letter and endorse its suggestion to find ways to avoid the tunnel project all together or at least to find other less intrusive ways to conduct the tunnel project than

those currently proposed by CSX. In addition, we understand that CSX has been able to divert traffic that would otherwise go through the Howard Street Tunnel in Baltimore in such a way that would allow CSX to continue operations normally without increasing the size of that tunnel. This diversion demonstrates that CSX has potential alternatives to the Virginia Avenue tunnel expansion, Given the large detrimental impact the Virginia Avenue tunnel expansion will have on DC residents in the myriad of ways described in this letter and CQHOA's letter, CSX should likewise consider some sort of diversion here that would prevent the

need for expansion. If such alternatives are not possible currently in DC, CSX should consider what changes would be required to make the alternatives possible, particularly if such changes have a less detrimental impact that the proposed funnel expansion. Even if the project occurred, we note that at public meetings, CSX has been asked to address the possibility of opening Virginia Avenue in pieces rather than trying to complete the whole project at once. This path has obvious positive effects for the neighborhood. The time that any piece would be open would be shorter and the problems created by the project minimized to a smaller area. CSX has said that such a change will cause the project to take longer but did not provide detail regarding their consideration of that alternative and the effects to the other stakeholders in the process. Given that it is a reasonable alternative, CSX should consider this plan along with the other proposed alternatives, including, as proposed in the CQHOA's letter, generally expediting the construction work from 2nd to 5th Streets.

Can all expected in the Callour state of the considerable supersonable ways and garages. This topic was noted in the CAHOA's letter, but we wanted to emphasize its importance. Primarily, if the project moves forward, what are CSX's plans on how to provide access to our alley ways during the project? If the residents of our block lose access to the alley that opens to Virginia Avenue, we will all obviously lose access to our garages and the ability to park our cars there. Maintaining the right to physically access our property, including our garages, is a key piece of the value of our property. We have all paid considerable sums to purchase our homes with their garages and the enjoyment of the garage and the ability to park our cars in the garage was an important part of the consideration received for that purchase price. What are CSX's plans to ensure that we maintain access to the alley and our garages? If it will not do so, will residents be compensated monetarily for the loss of this benefit? It costs thousands of dollars just to park a car in an underground garage here in DC for a year; the benefit of parking our cars in our garages in our houses is worth

NEPA Scoping Public Comments

considerably more.

- In addition, there are other significant concerns raised by the possible lack of access to the alley ways:
- a Elderly residents are picked up in the alley way by Metro Access, How would they otherwise be able to be picked up without being put in danger?
- b. School buses pick up children in the alley way. How will those children be picked up for school and how will CSX provide for their safety?
- c. Trash and recycling are collected in the alley way. How will this be addressed?
 3. Parking in the neighborhood- Due to the project, we will certainly lose all of the parking spaces along Virginia Avenue SE. Their loss, as well as the possible loss of access to our garages, will mean a huge loss of parking capacity for the neighborhood and especially our block. Residents without the use of their garages and these Virginia

Avenue SE spaces will need to park on I Street, 3rd Street, 4th Street and surrounding spaces. This will tax the community's ability to provide parking spaces to its residents, particularly in fight of the growing population of the neighborhood and activities at the Nationals Ballpark, Yards Park and other venues in the neighborhood, How does CSX plan to mitigate this effect?

4. Traffic and highway on and exit ramps- In addition to the concerns raised about traffic effects in the CQHOA's letter, we are concerned about access to the on and exit ramps for the 6th Street exit of the Southeast/Southwest highway. We both use these on a daily basis to commute to work as do many others that live in the neighborhood as well as folks who work here. How will the proposed tunnel project affect access to these ramps? How can CSX provide access to these ramps? If it cannot, how do the DDOT and CSX plan to reroute the traffic?

and GSA plant relative trainer.

In addition, we echo the concerns of the CQHOA on the necessity of providing pedestrian access to Capitol Hill via 3rd and 4th Streets. We enjoy and benefit from being a part of the Capitol Hill community. Given that the coming years are critical in terms of the significant redevelopment of the Navy Yard neighborhood, we should avoid any potential effects from the tunnel project that would separate our community from Capitol Hill or limit access to it from the rest of the city.

5. Air quality and its health impacts- We share the extensive concerns expressed in the CQHOA's letter on this topic. The community has small children and elderly residents who may generally be more susceptible to particulate matter in the air as well as at least one resident within one block of Virginia Avenue SE who uses oxygen on a regular basis, How will CSX mitigate the risk to particularly sensitive residents?

6. Hazardous materials and asbestos. We strongly endorse the concerns and questions raised in the CQHOA's letter concerning hazardous materials, especially in light of CSX's spectacular past failures to protect citizens adequately, most notably in the events in Baltimore in 2001.

In addition, has CSX determined whether or not any part of the excavation of the tunnel will encounter asbestos? Are the walls of the train tunnel lined with asbestos? If asbestos is present or if CSX is unsure, what precautions will be taken to ensure the safety of the residents (and workers)? Asbestos is obviously deadly and has taken a member of our family from us. Given its past widespread use, all precautions should be taken to ensure that no asbestos is released in connection with any expansion of the Virginia Avenue tunnel.

7. Noise impacts from trains and construction– To amplify the questions raised in the CQHOA's letter, we are concerned about residents' ability to sleep in addition to their overall quality of life. We endorse the CQHOA's suggestion that if the project moves forward, CSX cover the tunnel project using the "cut-and-cover" method that it has used elsewhere.

4

If the project moves forward, how will CSX mitigate the noise impacts of the trains? What sound barriers can be used? We would like to know how many trains are expected to be run during the nighttime hours (for example, 10 pm through 7 am). Will CSX schedule fewer nighttime trains during any expansion project? Will the horns of the trains be silenced or at least minimized during their passage through our neighborhood at night so that residents can sleep? As far as hours for construction itself, will CSX abide by DC law and only conduct construction during the appropriate day-time hours? Does CSX intend to perform work on the weekend and how will that affect our ability to enjoy our neighborhood and homes at those times?

8. Structural integrity of our homes and the highway- We strongly endorse that CSX must assess the proposed project's impact on the structural integrity of our homes as described in the CQHOA's letter and urge that it consistently monitor this issue throughout the entire project. Permanent damage to our homes is unacceptable. In addition, has CSX confirmed that its digging will not impact the structural integrity of the

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Home

Organizations

Individuals

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

Clear Line of Responsibility for Complaints & Issues

Edit

Organization Details

Organization: Capitol Quarter Home Owners Association Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Construction Staging/Storage, CSX Contributions, Effect on Property Value, Noise, Public Safety Inquiry Source: VAT.com email

Date: October 14, 2011 - 6:41pm

Virginia Avenue Tunnel Project by CSX--COMMENTS

Clear Line of Responsibility for Complaints & Issues

The Virginia Avenue Tunnel Project by CSX will have an immense impact on the growing and thriving communities lining Virginia Avenue to the south and north, including the new LEED-certified mixed-community called Capitol Quarter and the Arthur Capper senior citizens home. One concern I share with my fellow neighbors along Virginia Avenue is how issues that arise during and after the construction period will be managed and addressed by CSX.

The unknowns of a design-build concept, which I understand is the concept selected by CSX to move forward, raises the risk for residents in the following categories in particular. Please address how CSX will contend with each of these issues.

- Structural Integrity of homes along Virginia Avenue: With CSXT's proposal to double track and double stack trains through the reconstructed Virginia Avenue Tunnel, the homes within the immediate vicinity of this tunnel must be evaluated for structural integrity. Already trains throughout the day cause vibrations on structures extending from Virginia Avenue to beyond I Street SE. The increased traffic after construction—as well as the temporary rail traffic that may take place during construction—poses increased risks for the structures along the project site, specifically from 3rd through 5th Streets SE. How will CSX address structural issues?
- Noise Complaints: During and after construction, the noise of pulverizing rock and granite and the level of noise of running trains without any trench coverage will have negative effects on the quality of life for residents. What recourse do residents have to address noise issues during the construction period?
- Unlivable Conditions: If at any time during this design-build project the construction causes the homes along Virginia Avenue to become uninhabitable for a period of time, how will CSX work with residents to limit the impact on their families and their properties?
- Utility Cut Offs: All water, electricity, sewage, and telecommunication lines will be interrupted during the reconstruction of the Virginia Avenue Tunnel by CSX. What kind of notification will residents and the city receive in advance of any utility cut off? Utility cut offs create major security and quality of life concerns for myself as I will be safeguarding two babies in my home. How will CSX address complaints for inadequate and disruption of services for the residents along Virginia Avenue?
- Access Issues for Emergency Vehicles and Resident Traffic: During construction, there may be situations where any access to homes is limited or completely blocked by construction equipment, trucks, workers, or materials. How can residents raise these issues with CSX and achieve quick turnaround for immediate open access?

Thank you in advance for considering all of these comments and addressing these questions in full.

A concerned Virginia Avenue resident,



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Home

Organizations

Individuals

Calendar

Мар

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

EIS Rather Than ES

View

Edit

Organization Details

Organization: Capitol Quarter Home Owners Association Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public/Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Appearance, Effect on Neighborhood, Public Safety

Date: October 14, 2011 - 4:05pm

Request for an Environmental Impact Study

I am greatly concerned by this NEPA process as it moves forward only with an Environmental Study on the proposed Virginia Avenue Tunnel Project by CSX Transportation. Due to the proximity of homes and senior center that align Virginia Avenue and the surrounding homes both to the south and north of the tunnel site, the project requires more rigorous studies performed by CSX and monitoring by the U.S. federal lead agency, the Federal Highway Administration.

Please consider the need for more impactful studies to be done to provide CSX, DC residents, and the federal and DC governments with more accurate data to respond effectively to health, air, and quality of life concerns. The Virginia Avenue Tunnel Project proposes to unearth and reconstruct a 106-year old underground tunnel while rail continues to move through an open trench less than 20 feet from DC residents' homes. Please do not shortchange the residents or the project for that matter.

I understand the ES was the first choice elected to begin the NEPA process, Please consider moving forward with the EIS as soon as possible.

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Home

Organizations

Individuals

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

Health and Air Quality

View

Edit

Organization Details

Organization: Capitol Quarter Home Owners Association

Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Air Quality, Effect on Neighborhood, Public Safety

Date: October 14, 2011 - 3:51pm

VIRGINIA AVENUE TUNNEL PROJECT BY CSX--- COMMENT RE:

Health & Air Quality

A potential proposal by CSX to run approximately 30 trains through an uncovered temporary track during a 3-year period of reconstruction for the Virginia Avenue Tunnel Project must be closely addressed. Already, tearing down and reconstruction of the more than 100-year old tunnel and surrounding underground area will produce major sediment release, intense dust, and the potential release of man-made materials with proven health concerns for humans and animals. This release of sediment, dust, and potential hazardous-to-health products places directly at risk the health and air quality standards for those living in a new LEED-certified DC community, the Capitol Quarter neighborhood, as well as the Arthur Capper Senior Citizens home on 5th Street SE and those working in new DC office buildings on 3rd Street SE.

The consistent running of trains through an open trench or a partially covered trench will further degrade the quality of air—all less than 20 feet from my family's door. With two newborns on the way in coming weeks, my husband and I must request that CSX address this concern appropriately (and the U.S. Department of Transportation monitor the release of dust and chemicals into the air closely) to reduce any negative impact on air quality and ultimately the health of our babies.

At this time, I must say that the claim on the CSX-sponsored Virginia Avenue Tunnel Project website has me deeply concerned that CSX is not taking seriously the concerns of the immediate neighbors—from those who will be overlooking from their bedroom windows the open trench to those all the way down to M Street SE or G Street SE. This claim that air pollution will be reduced has no basis for this particular project. I understand the reference is to trying to take freight trucks off the road through more freight rail, but the SE/SW freeway does not support freight traffic.

"Additionally, these improvements to the Virginia Avenue Tunnel will reduce air pollution and improve the overall quality of life for residents." – CSX-sponsored Virginia Avenue Tunnel Project website, http://www.virginiaavenuetunnel.com/project-area/

The construction and post-construction period pose no such benefit to residents in the Capitol Hill or Near Southeast area.

Please respond to these issues of quality of air and effects on health during the period of construction and post construction.

Thank you for this opportunity to comment. I look forward to seeing the responses to my concerns.

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Home

Organizations

Individuals

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

CSX/VA Ave COMMENT SUBMISSION - Access

View Edit

Organization Details

Organization: Capitol Quarter Home Owners Association

Organization Category: Residential

Organization Topic(s) of Interest: Air Quality, Appearance, Claims Process, Community Projects, Construction Staging/Storage, Construction Timeline, Cross Street Access, Effect on Neighborhood, Effect on Property Value, Noise, Parking, Parks, Public Safety, Public/Community Involvement, Requests, Traffic

Topic(s) of Interest: Construction Staging/Storage, Cross Street Access

Inquiry Source: VAT.com email

Date: October 14, 2011 - 3:42pm

Access

The Virginia Avenue Tunnel Project by CSX proposes to dig up the road, sidewalk, and my yard, all less than 20 feet from my front door. At this time, there is no transparent ruling on what CSX has for a right of way on this project. This is a major concern for my neighbors—at least 20 of whom will have this project within 50-feet of their home—and my family,

During the proposed 3-year construction period, the tunnel dig up will cut off access from the street to my garage and my home's back and potentially front door. It will cut off utility access and any emergency vehicle access in the event of a fire or life-threatening emergency. How will this be more than adequately addressed (please provide more of an answer than to just say access points will be open)?

The Virginia Avenue Courtyard which will be directly affected by this construction project also serves as a primary gathering place for DC neighbors, children, and dogs. The project threatens not only our livelihoods but certainly the quality and access points for a growing and thriving DC urban community.

As a DC resident and taxpayer that will be directly affected by this project, I wish to know the exact right of way that we will contend with and how CSX and its Virginia Avenue Tunnel Project will directly address access to my property and quality of life for my neighborhood. As well, I wish to know how the U.S. federal government via the Federal Highway Administration and DC government via DDOT will provide appropriate oversight to protect residents and city property.

In a response regarding the right of way, please provide appropriate reference for the right of way determination.

For your convenience and reference, I attach two photos exhibiting the camera-captured distance from my front door to Virginia Avenue SE and my back porch to Virginia Avenue SE. Please see attachments.

Thank you for your attention to this important matter,

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Virginia Avenue Tunnel Dashboard

Home

Organizations

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

Fire and Emergency Truck Access

Organization Details

Organization: CHARTX
Organization Category: Blogger, Media

Topic(s) of Interest: Construction Staging/Storage, Public Safety

Inquiry Source: VAT.com email

Date: October 14, 2011 - 4:28pm

Just happened to be watching the response to the fire at restaurant 18th Amendment this morning on Penn Ave, The fire dept brought in multiple of the regular firetrucks (looks like a normal truck) and they brought in two of the long ladder trucks. They dropped firefighters onto the roof while the others went in the front.

The building where this occurred was merely a 3 story rowhouse style

How will CSX maintain firetruck access for all the homes on VA Avenue if it is blocked? The firetrucks cannot make the turn behind the homes as there is not enough space, Even the shorter ones can would not be able to make that turn without taking out a balcony or two probably,

Best.

Drupat |



How tomorrow moves Dashbo

Virginia Avenue Tunnel Dashboard

Home

Organizations

Individuals

Calendar

Map

Manual

Team

Add an Organization

Add an Individual

Add an Event

Export Contact Info

Materials

Inquiries

Search

Comments on VAT Project

View

Edit

Organization Details

There is no organization associated with this individual,

Topic(s) of Interest: Air Quality, Appearance, Construction Staging/Storage, Effect on Neighborhood, Noise, Public Safety, Traffic Inquiry Source: VAT.com email

Date: October 14, 2011 - 4:54pm

Comments on the VA Ave Tunnel project:

- 1. Tearing up Virginia Avenue will deny access to garage entrances of all the Capitol Quarter housing on Virginia Avenue. The alleyways behind the housing where this access is located are also where the city collects garbage and recycleables. What plans are there to maintain access for residents? (One obvious solution would be to cover the open trench and maintain trafficability at least along this stretch of residences; this would entail use of the "cut and cover" approach employed during subway construction in DC). Please explain how access to garages will be maintained. Also explain in detail why CSX considers covering the open trench(es) to be a non-viable option.
- 2. In 2010, Baltimore experienced a train derailment in the CSX Howard Avenue Tunnel. The train was 79 cars long and 13 of them left the track. One car carried fluorosilicic acid which is corrosive and may cause fluoride poisoning; inhalation of the vapors may also cause lung edema. (http://articles.baltimoresun.com/2010-08-05/news/bs-md-train-derailment-20100805 1 train-derails-howard-street-tunnel-60-car-train)

In July 2001 there was an even more serious train derailment inside the CSX tunnel in Baltimore, Many cars derailed and sparked a chemical fire that raged for five or six days and virtually shut down the downtown area, Manhole covers were exploding into the air 3 weeks later as a result of residual chemicals left in the sewer system, (http://en.wikipedia.org/wiki/Howard Street Tunnel fire)

These **TWO** CSX related train accidents in less than 10 years time illustrate the seriousness of the impact such an accident could have on our community, not to mention the Capitol complex in general.

- Is there any CSX assurance that they will install fire and chemical suppression systems within the tunnel to prevent or at least lessen the effects of a fire and/or spill?
- 3. Please address the recommendations of the National Capitol Planning Commission's "Freight Railroad Realignment Feasibility Study" of April 2007 (http://www.ncpc.gov/DocumentDepot/Publications/RailRealignment/FreightRailroadlRealignmentStudy_Summary.pdf)

This study addressed the problem and danger of rail freight traffic running through the Nation's capital and recommended the investigation of 3 alternative routes around the city, Has CSX or other parties conducted the recommended Environmental Assessments and other actions contained in this study? If not, why? If the alternative routes have been rejected, why? (In my opinion, increased costs that may accrue to CSX is NOT an issue to be considered in comparison to mitigating the effects on the physical and social environment), The entire tunnel project could be avoided if these alternate routes were employed. At the very least, they might be employed as a temporary bypass while the tunnel is being worked on. Please address.

- 4. At public meetings, CSX has been asked to address the possibility of opening Virginia Avenue in stages vice trying to undertake the whole project along the entire length of Virginia Avenue at one time. This has obvious positive effects for the neighborhood. The time that any section would be open would be shorter and the problems created by the project would be localized in smaller areas at any given time. CSX has said that such a change will cause the project to take longer but did not provide any detail nor explain any further why "taking longer" is an issue if it minimizes the environmental and social impact of this project. This is a reasonable alternative that CSX appears to have dismissed out of hand, despite the fact that it would be much less disruptive to the community. CSX should consider this plan along with other alternatives, including taking other steps towards expediting construction work in the most heavily populated areas (e.g., 2nd to 5in Streets SE). Please explain specifically why and how this is not considered by CSX to be a viable alternative.
- 5. How does CSX plan to address the need for construction workers associated with the project to park their personal vehicles when they commute to the work site? Along with the potential blockage of garage access for residents between 3rd and 4th Streets SE, the excavation of Virginia Avenue itself will eliminate a large number of parking places.
- 6. The property values of homes adjacent to the project very obviously will be seriously reduced or even negated entirely while the project is ongoing. What plans does CSX have to compensate residents for this? At the very least, should a resident HAVE to move (job change, death of a spouse, etc.) during the project, when they will very likely be unable to sell, CSX should be ready to step up and assist. What consideration has been given to this issue, if any?

Drupal



October 14, 2011

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

Subject: NEPA Scoping Public Comments Statement on Virginia Avenue Tunnel Project

The Capitol Quarter Home Owners Association Board of Directors (HOA) is submitting this letter on behalf of the residents of Capitol Quarter to bring to your attention the concerns of our community about the potential environmental and social impacts of the proposed Virginia Avenue Tunnel Project. These comments are the result of countless hours of input and communication between and among community members, CSX, public officials, and other relevant National Environmental Policy Act (NEPA) parties. We recognize that each individual homeowner's or resident's concerns about this project may not be reflected in this letter, and the HOA enthusiastically encourages all homeowners and residents to continue to use all appropriate channels to provide NEPA feedback of their specific interests. This letter reflects issues of concern that impact the greater Capitol Quarter community.

Below you will find a brief description of the Capitol Quarter and Capper community. After that is a list of community questions and issues which we respectfully request be addressed during the NEPA process. Please note that we have attempted to identify impact items within the general impact categories identified in public materials available about the NEPA process. Some of the items appear under more than one heading due to the multiple, potential impacts.

The Capitol Quarter and Capper Community

The Capitol Quarter and Capper Community is a community encompassing the area bound by Virginia Avenue SE to the north, 6th St., SE to the east, 3rd St., SE to the west, and M St., SE to the south. There are more than 485 housing units, most of which have multiple residents.

Capitol Quarter consists of 323 units. The 161 units in Phase I were completed and occupied by August 2010. The second phase of an additional 162 units are over 60% pre-sold at the date of this letter and will be occupied as they are constructed through the end of 2012.

Capitol Quarter is a new community being re-built on the previous site of the Arthur Capper/Carrollsburg Housing Project as part of the Federal HUD Hope VI program. Capitol Quarter homes include affordable apartments for rent through the DC Housing Authority, affordable workforce homes for purchase and market-rate townhomes starting in excess of \$700,000. All of the townhomes are built to LEED for Homes green building standards.

Additionally, there is a one-for-one replacement of all affordable units from the previous Capper Project, which includes but is not limited to 162 affordable senior units that were re-built as the Capper Seniors I building is located at 5th and Virginia Avenues, SE and 132 affordable/workforce units located at 400 M Street SE.

Capitol Quarter is an economically and racially diverse community with ages ranging from newborn babies to elderly residents. Please note that the 2010 census is not an accurate resource for collecting and assessing demographic information about Capitol Quarter because the census was completed in April 2010 before a large number of the residents moved into their homes.

Scope of VA Avenue Tunnel Project

Over the last eighteen months, CSX has held numerous community meetings about the VA Avenue Tunnel Project in anticipation of starting the NEPA process. At those meetings CSX presented information to the Capitol Quarter and surrounding communities about their goal of adapting the current VA Ave Tunnel to accommodate the double tracking and double-stacking of trains routed through the tunnel. They have proposed digging an open trench the entire width and length of Virginia Avenue from 2nd St., SE to 11th St., SE to widen and deepen the existing tunnel under the roadway and construct temporary train tracks to use during the construction inside the tunnel. These temporary tracks would allow CSX to run trains day and night for at least three years, along the northern boundary of the entire community and possibly within a few feet of some of the Capitol Quarter residents' homes.

However, we believe this is only one option for how project design and construction may proceed, and we request that this scoping process expand to include consideration and assessment of all other alternatives for how the end result can be achieved with fewer negative impacts to our community and property. We are concerned for our quality of life, the safety of ourselves, our children, our guests and our pets, the effects on our health from dust, noise and pollutants, the impact on the environment, the disruption to traffic and the social environment as well as to the continued development of commercial activities within the area, and the obvious detriment to property structures

and property values and overall loss of appeal of the neighborhood that will occur during this project and possibly beyond.

Alternatives

We recognize that the project, as conveyed to us in previous meetings, will be significantly disruptive to our community. Therefore, we particularly request that the scope include a thorough evaluation of alternatives to the re-construction of the existing tunnel as well as solutions for alternative train routing during the re-construction timeframe.

Alternatives to the reconstruction of the existing tunnel may include, but not be limited to:

No tunnel rebuild. What is the alternative to widening the Virginia Ave Tunnel?
Can trains be re-routed onto other existing tracks that do not pass through the
Virginia Avenue Tunnel? Can trains use the Baltimore Corridor Line instead of
the tunnel? Or share passenger rail lines? What is the cost and timeline to
implement these alternatives? Are the recommendations of previous and current
National Capital Planning Commission (NCPC) studies being considered as
alternatives, and if not, why?

Allowing temporary tracks to be built along side the existing trench will likely cause some of the most extreme negative environmental, social, and economic impacts for the Capitol Quarter community and the surrounding areas. Therefore, avoiding this contiguous temporary track scenario during the construction phase may have the least impact to the community. Alternatives for train routing and traffic during the construction may include, but not be limited to:

- Running trains inside of the existing tunnel during the tunnel construction phase.
 Can the reconstruction of the tunnel occur at the same time as trains continue to use the tunnel? What are the impacts, costs and construction timeline to have work on the tunnel occurring while trains are also using the tunnel?
- Temporarily rerouting train traffic away from the Virginia Avenue Tunnel during the tunnel construction phase. If trains cannot run in the Virginia Avenue tunnel during construction, what is a comprehensive list of alternative routes, including the sharing of passenger tracks, that can be used around the tunnel and that would not involve building a new track next to the existing tunnel during the construction phase? What are the impacts, costs and construction timeline for trains to temporarily run on other existing rail tracks that run around the city? Can night trains run on Norfolk-Southern rail line, thereby minimizing sleep impacts?

If, after a thorough examination of all alternatives for re-routing traffic away from the tunnel improvement area, it is determined that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction, then we

would request that the temporary trench be covered, especially in the areas where there are residents. It is our understanding that such "cut and cover" methods have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro system.

We would be interested in having CSX provide more defined information about the nature and frequency of train traffic through the area currently, during construction, and after the project has been completed.

- How many trains are currently running through the VA Ave Tunnel during a typical 24-hour period?
- How many trains are anticipated to be traveling during a typical 24-hour period through the temporary trench/track during the construction phase? Related, how many, if any, of these trains will include double-stacked rail cars?
- How many trains are anticipated to be traveling during a 24-hour period through the reconstructed tunnel after the project is complete? Related, how many, if any, of these trains will include double-stacked rail cars? Also, how many times during a 24-hour period will two trains be simultaneously traveling through the tunnel?
- What is the average length and number of single-deck freight cars of the trains currently moving through the tunnel? What is anticipated to be the average and maximum length and number of single-deck and double-deck freight cars moving through the area during construction? What is anticipated to be the average and maximum length and number of single-deck and double-deck freight cars moving through the tunnel after construction?
- What are the minimum and maximum speeds at which the trains travel through the area? What is the average speed of the trains through the area? Is there is difference of speed based upon time of day and/or weather conditions?

Ecological Impacts

Virginia Avenue SE in the proposed project area currently is lined with beautiful, mature trees, many of them over 50 years old. These trees not only help the air quality, soil quality, and overall aesthetics of the street but they also create a visual and noise barrier between the freeway and the community. The removal of these trees is a negative impact of this project.

- What is the impact and cost of conducting the Virginia Avenue Tunnel project in such a way that the construction does not harm the existing trees on Virginia Avenue?
- If the Virginia Avenue Tunnel project causes any trees to die or be removed, mitigation should include replacement of those trees at the largest diameter

possible and a five-year financial commitment for the watering and care of the new trees to ensure their survival.

Additionally, the community requests the replacement of all grass and that additional landscaping is included in any mitigation of damage done to the landscape.

Historic Impacts

Many of the mature trees mentioned above along Virginia Avenue SE in the proposed project area are over 50 years old, and may be of historic value. The planting and nurturing of trees is a part of the original L'Enfant Plan for our city. Therefore, we reiterate our above concerns of impact over moving these trees.

It is our understanding that the existing CSX VA Avenue Tunnel is over 100 years old. We would request that there be a determination of whatever historic value this tunnel or any its features might hold, and that these historic determinations be preserved and addressed as part of the project scope.

The Saint Paul African Union Methodist Protestant Church at 401 I Street, SE, is a longstanding part of our community. Built in 1924, it has recently been listed on the National Register of Historic Places (July 28, 2011) by the National Park Service. We request that any construction related to the tunnel project, including but not limited to any auxiliary construction to build a temporary track, be assessed to avoid any structural or other damage to the church, and that this historical site be protected.

Virginia Ave Park and Community Garden was once the home to a firehouse structure. Will the Virginia Avenue Tunnel reconstruction or any auxiliary construction to build a temporary track or other construction plans disrupt or destroy this historical foundation in the park?

Cultural Impacts

As described above, the Saint Paul African Union Methodist Protestant Church at 401 I Street, SE, is an historical part of our community and the neighborhood culture. We desire to preserve this cultural and historic landmark during the project construction period and beyond. Improving the property condition itself as well as its past, present and future cultural connection to the community is a priority.

In furtherance of the DC Public School (DCPS) system's goal for providing neighborhood schools, DCPS has stated plans to reopen the Van Ness Elementary School (at 1150 Fifth Street SE) for school year 2015 – 2016. We request that CSX consider a commitment for preserving and improving this educational and cultural asset, including the building, property, programs and operations.

Additionally, the DCPS may be considering opening the School-Within-School (SWS) at Van Ness starting in fall 2012, so the impact on the area could be more immediate. The

SWS is a Reggio Emilia, teacher-directed program serving pre-kindergarten and kindergarten students.

The community is in the midst of a positive redevelopment trajectory. The residents of Capitol Quarter are concerned about the effect of the VA Ave Tunnel Project may have on the area's continued ability to develop and thrive, whether this be the continued support of local cultural events (i.e., concerts at Yards Park, Opera in the Infield at Nationals Park, etc.) as well as the continued influx of varied cultural and entertainment events and attractions and businesses and merchants to our area to serve residents, workers, and visitors alike.

One of the buildings in the area currently under renovation and contiguous to Capitol Quarter is 200 I Street SE (formerly 225 Virginia Ave SE). This building will house, among other city agencies, the DC Commission on the Arts and Humanities.

• What impact will the construction have on this agency and the arts resources it plans for public display at this site?

Economic Impacts

Capitol Quarter homeowners chose to financially and personally invest in an area that had been in deterioration for many years. Also, as mentioned earlier, the community has been re-built on the previous site of the Arthur Capper/Carrollsburg Housing Project as part of the Federal HUD Hope VI program. We want to ensure that the intergovernmental partnership and investment within this community is protected. As a result of the Capitol Quarter development and that of surrounding properties, the property taxes generated in this area are a significantly higher source of revenue to the District of Columbia than they had been for many years.

To maintain and grow this public revenue stream and to continue on a positive trajectory of growth, the assets of the area that make it an attractive place for economic development (businesses, residences and jobs) and other investment must be protected. These assets include, but are not necessarily limited to, our roads and traffic patterns, access to public transportation, public safety and security, protection of property rights, cultural, educational and historic resources, land use and recreation, and clean air and water.

To that end, we request that the assessment the project impacts address and answer the following questions:

What, if any, is the temporary and/or permanent loss in property value of Capitol
Quarter homes as well as other area commercial or residential projects, including
but not limited to those directly contiguous to the project work, due to structural
damage caused by the tunnel construction as well as by the vibrations of trains
during and after tunnel construction?

- What, if any, is the temporary and/or permanent loss in property value of Capitol
 Quarter homes as well as other area commercial or residential projects, including
 but not limited to those directly contiguous to the project work, due to the
 unattractive environment created by the construction, including but not limited to
 a temporary track?
- What, if any, reduction in property tax or other tax incentives might be possible, for Capitol Quarter homes, during the project construction due to reduction in property value?
- What is the potential loss in sales tax collected due to the temporary reduction and/or permanent loss in customers frequenting existing and planned businesses and merchants south of the highway?
- What, if any, economic incentives might be available to complete the proposed project in less than the anticipated three-year construction period?
- What is the plan for making Capitol Quarter homeowners whole during construction, if homeowners are required to sell or rent their home due to bona fide job relocation or to move out of their homes temporarily during the period of construction?
- Does CSX have a plan, and if so what is it, to set aside a fund specifically for the
 purpose of making home repairs or for the payment of other damages caused
 during the life of the project, including but not limited to the prevention and
 elimination of vermin, payments to make alternative living arrangements during
 the construction phase, and/or repairing structural, HVAC, decorative or other
 components of the affected properties?
- What type of claims process is being put into place that will ensure 24/7 access
 to a defined contact person, a means of reporting and making claims due to
 damages caused by the project, and a prompt and fair means of payments?
- What impact will the proposed project have on the anticipated tenants (D.C. Child and Family Services Agency, the Office of the Chief Technology Officer and the Commission on the Arts and Humanities) as well as the relevant technology resources they bring with them to 200 I Street SE, a building currently under renovation contiguous to Capitol Quarter?
- What, if any, impact(s) will the completed project have on the District of Columbia and surrounding area?

Social Impacts

As mentioned in the early portion of this statement, Capitol Quarter is an economically, racially, and age diverse community. Due to the ongoing and successful redevelopment

of the Capitol Quarter homes and surrounding area, the 2010 U.S. Census do not provide an accurate or complete resource for understanding the nature, extent, and diversity of our area's population. Therefore, we request that further research be conducted to more adequately and accurately reflect the area's demographics, and breadth of impact by the proposed project.

The Virginia Avenue Tunnel construction may create barriers that divide and isolate the Capitol Quarter community from the areas of Capitol Hill north of the highway as well as from other areas of the District and the region. This is a two-way impact, as it not only could isolate Capitol Quarter and other residents and visitors south of the highway to other local and regional areas and events, but also to prevent visitors from all parts of the metropolitan Washington DC area to accessing the currently growing and thriving area and its businesses, residences, recreational areas and other attractions.

• How will the proposed project construction and barriers associated with it ensure that safe and adequate access for vehicles, bicyclists, skaters, pedestrians (including our local senior population), and those with disabilities are not blocked or limited for traversing north and south under the freeway? On a related issue, how will the proposed project ensure that its presence will not intimidate people from moving through the passageways under the freeway because they feel unsafe or unwelcome?

We recommend that the scope of the proposed project include keeping the sidewalk along Virginia Avenue between 3rd and 6th Streets open to the public and well maintained since this is an important community corridor and gathering space for the Capitol Quarter community and surrounding area residents, including many senior residents in wheelchairs or with limited mobility.

Overall, as an economically and racially diverse community the scope of the proposed project need to include keeping safe and well-maintained access available to all public transportation including bus stops along Virginia Ave as well as pedestrian and bicycle paths, without limit to those with wheelchairs or other limited mobility issues from Capitol Quarter and south of the highway to reach Capitol South Metro, Eastern Market Metro, and other public transportation access points north of the highway.

The major parks in the area are Garfield Park (north of the highway) and Canal Park (currently under construction) and Yards Park (both south of the highway). These parks are assets that help build a strong community. We request that these facilities remain accessible to vehicles, bicyclists, skaters, pedestrians (including our local senior population), and those with disabilities traversing north and south under the freeway.

While we recognize that some train noise is and will always be inherent to our community's location, we ask that during construction, especially if trains pass through the area without the benefit of a noise-buffering tunnel, train schedules be modified to take into consideration the hour of the night when trains traverse this area. Additionally,

we request that horn volume and frequency be reduced to the extent allowable without sacrificing safety. We seek to ensure that resident sleep interruption is minimized during construction, whether it be for workers who need to function at high levels at their jobs, for children and other students to focus on their school studies, or for elderly or ill people whose health requires rest.

Related to this, we recommend that consideration be made to the hours and days on which construction may occur. As this is anticipated to be a three-year construction project, we respectfully request that consideration to our quality of life be assessed and incorporated into the construction schedule.

Land Use Impacts

The proposed project anticipates a three-year construction timetable. However, there are long-term, permanent impacts of this project to Capitol Quarter homeowners and residents as well as to others in the surrounding area.

It is our understanding that this project, if permitted to proceed, will result in quadrupling the amount of cargo that can be shipped through the tunnel and surrounding area at any given time. We have concerns about this permanent use of the land surrounding our community for this purpose.

• What permanent steps will be taken to stabilize and protect the structural integrity of the existing area homes and foundations and surrounding area?

Additionally, we have the following questions about it potential population and economic impacts from this land use:

- What is the potential and/or likely impact of reducing the residential population (via reductions in home purchase and rentals) due to the undesirable nature of a double-tracked, double-stacked capacity train tunnel project in the neighborhood? Related to this, what is the potential and/or likely impact of new residential projects delaying construction or potentially abandoning the neighborhood temporarily or permanently, due to the construction phase of the project (including a potential temporary train track) as well as to the permanent presence of the increased rail capacity?
- What is the potential and/or likely impact of existing and potential commercial development (office leases and retail development) on the area due to the tunnel project construction phase and the associated physical barriers for those seeking to traverse the neighborhood north and south?

Due to the proximity of the proposed project construction to the northern boundary of the Capitol Quarter community, it is requested that that the NEPA assessment include methods for expediting the construction work closest to the residential portions of the proposed project. Generally, this would include the homes in the 200 – 500 blocks of

Virginia Avenue SE as well as the length of Virginia Ave from 5th Street east, contiguous to our valued Arthur Capper Senior Community Center neighbors.

We also are interested in knowing more about how our community's look and feel will be altered after the tunnel construction is completed.

- Is it safe to assume that the project area on Virginia Avenue will be restored to, at a minimum, its prior (current) appearance, i.e., paved and well-maintained road and sidewalks, with greenery, mature trees, and lighting?
- Are there plans for any other enhancements, such as better lighting under the freeway to better connect those traversing north and south of the highway?
- Will the grassy embankments on the south side of the highway continue to exist?
 Related to this, please provide information regarding the positive purposes of the
 existing embankments? For examples, besides providing an attractive green
 space, do they place any role in noise abatement or storm water run-off benefits?
 If they do play a positive functional role, but will be eliminated post-project, what
 mitigation will replace this functional loss?
- What resources, if any, has CSX committed to the post-project enhancements and maintenance, and for how long have they committed these resources?

Relocation Impacts

Although all of Capitol Quarter's residents will be impacted by the proposed project, several Capitol Quarter homes are located on Virginia Avenue, contiguous to the proposed project. The residents of these homes are understandably anxious about the impacts of the VA Avenue Tunnel Project.

- What are the possibilities for temporary or permanent relocation of any Capitol Quarter resident, regardless of housing type, if the tunnel rebuilding or a possible, temporary train trench/track built along side the existing tunnel makes their homes unlivable?
- What resources will be made available for making any Capitol Quarter homeowner whole during construction, if homeowners are required to sell or rent their home due to bona fide job relocation?
- What resources, if any, have been planned for assessing the structural integrity, both now, during and after construction, of the Capitol Quarter homes? The homes will be subject to excessive disruptions and vibrations both during and after the construction phase.

Due to the mixed housing opportunities that exist in the Capitol Quarter community, we request that the DC Housing Authority (DCHA) be made aware of potential relocation

concerns for residents in workforce homes as well as in affordable rental housing. If such temporary relocations become necessary during construction, DCHA loan provisions or other requirements may need to be revisited.

As previously mentioned, the 2010 U.S. Census population statistics collected in the Capitol Quarter and surrounding areas are not representative of the growth occurring in this area. We ask that the scope of the proposed project should include a research effort for obtaining a more complete demographic profile for use in determining accurate project impacts.

Traffic Impacts

Whether we are drivers, bikers, skaters or pedestrians, traffic and parking play a huge role in the urban quality of life. Capitol Quarter and the surrounding area are growing and changing. Traffic and parking patterns are changing almost weekly depending on the time of year, what construction projects are working, whether it is Major League Baseball season, or which festival or other entertainment option is active in a local venue.

Many of our local streets are one-ways; some do not have four-way stops; a few are closed for other area construction projects making mobility an ever-changing guessing game for cars and pedestrians. We request that traffic studies be conducted that look at the project's impact on high volumes of traffic, and that options for the diversion of traffic be considered that minimize the noise, air quality, safety, and traffic and parking impacts on side streets and quality of life in our neighborhood. In particular, we ask that the following impacts be included:

- Adequate access is always available for police, fire, and other emergency vehicles
- The impact of a ballpark game on traffic patterns
- The safety of the proposed traffic patterns (stop signs, etc.)
- Parking, especially the influx of day workers
- Replacement of lost on-street parking spaces in nearby surface lots for residents and their visitors
- Continued access to all driveways and alleyways (This is a particular concern for the residents of the block surrounded by Virginia Avenue, 3rd and 4th Streets, and I Street. Both current alleyway access points are on Virginia Avenue. This alley provides access to residents' garages, for emergency vehicles, trash and recycling pick-up, snow removal and U.S. Postal Service, and Metro Access for a disabled resident.)

- Sufficient access for truck deliveries and/or moving vans
- Access between north and south of highway
- Bus and public transportation access, including but not limited to maintaining the use of the bus stops along Virginia Ave
- Keeping the sidewalk along Virginia Avenue between 3rd and 6th Streets open to the public and well maintained since this is an important community corridor for the Capitol Quarter community and surrounding area residents, including many senior residents in wheelchairs or with limited mobility.

Air Quality Impacts

Living in an area under redevelopment, we are familiar with construction and understand the dirt, dust, and debris that accompany it. However, the scope and nature of this proposed project far exceed the normal levels of dust and debris associated with typical redevelopment projects.

As mentioned earlier in this statement, if it is determined, after a thorough examination of all alternatives, that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction, then we would request that the temporary trench be covered, especially in the areas where there are residents. It is our understanding that such "cut and cover" methods have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro system.

Generally:

- What is (are) the energy source(s) used for running trains through the area?
 What air particulates or other pollutants are present in each of these energy sources and what is the impact of each energy source on the area's air quality?
 Does that impact vary depending on the time of year and external (hot/cold) temperatures?
- Is it possible to screen the source of the air particulates or other pollutants for the purpose of reducing their release and impact on the area's air quality?

During Construction:

- Is it possible to conduct all construction work inside of the tunnel? If not, is it possible to cover any/all temporary opening(s) in order to reduce the release of air contaminants?
- What are the potential materials inside of the existing tunnel, including but not limited to asbestos, which might be released and emit airborne particulates once

the tunnel construction begins? Related to this, what are some of the breathing issues, including asthma, which might result from the release of these particulates? How will these impacts be mitigated?

- What is known about the possible presence of asbestos in the existing tunnel?
- What if there is asbestos in the tunnel? How will the community be notified of its presence?
- What measures will be taken to ensure the asbestos is contained and not of any harm to the residents of the community?
- What are the potential materials being transported through the area in the temporary trench (including but not limited to trash or garbage), should this be the recommended option, during the construction phase which may emit airborne particulates? Related to this, what are some of the breathing issues, including asthma, which might result from the release of these particulates? How will these impacts be mitigated?
- Is it possible to mitigate the release of some dust and dirt by keeping it wet?
- What potentially hazardous or dangerous chemicals or contaminants might be found in the soil in or around the tunnel and/or its walls that may need remediation? How would this be handled?
- What if, during the construction phase, an accident or derailment occurs with rail
 cars carrying hazardous materials? How would this impact the Capitol Quarter
 and surrounding area residents' ability to evacuate and/or live safely in their
 homes, and how would this be mitigated?

After the project is completed:

- After the project is completed and the tunnel capacity is quadrupled, how will the
 transport of the additional volumes of such materials (including but not limited to
 trash and garbage) impact the air quality of our neighborhood? Related to this,
 what are some of the breathing issues, including asthma, which might result from
 the release of these particulates? How will these impacts be mitigated?
- What if an accident or derailment occurs with hazardous material such as chlorine while construction is happening or once there is twice as much material being transported on the tracts with double-stacked trains?
- What if, during the construction phase, an accident or derailment occurs with rail cars carrying hazardous materials? How would this impact the Capitol Quarter

and surrounding area residents' ability to evacuate and/or live safely in their homes, and how would this be mitigated?

Noise Impacts

There will be noise impacts related to this three-year project. It is our hope that these can be mitigated in a manner that causes minimal disruption to our residents.

• What noise abatement and mitigation steps will be taken during and after construction in order to reduce the disturbance of community quality of life, such as rail damping, reduction in length of trains or other options?

This may include covering the temporary trench, if it is determined, that a trench along Virginia Avenue is the selected manner for handling existing train traffic during tunnel construction. Again, we request using the type of "cut and cover" methods that have been used successfully in the metropolitan Washington, DC area during the construction of the WMATA Metro system.

- To what extent, if any, do the mature trees currently on Virginia Avenue provide noise buffering from the highway?
- If these trees need to be removed during the course of construction, what can be done to mitigate the increased highway noise temporarily during construction (i.e., building a temporary wall to buffer highway noise/provide safety mitigation) as well as permanently after construction is complete?
- To what extent, if any, do the embankments on the south side of the highway provide noise buffering from the highway?
- What is the current decibel level at which train horns are blown when entering the tunnel? Is it required that trains blow their horns at minimum and/or maximum levels when entering, travelling in, and/or leaving the tunnel?
- What decibel level will be used for blowing train horns that are entering/travelling in/leaving a temporary, open/uncovered trench/track, should it be determined this option will be part of the project?
- What is the anticipated decibel level generated by a train and its vibrations when travelling on a temporary, open/uncovered trench/track, should it be determined this option will be part of the project?
- What is the anticipated decibel level generated by a train, including its vibrations and blowing of horns, when travelling on a covered and sealed temporary track, should it be determined this option will be part of the project?

- What is the anticipated decibel level of noise caused the blowing of horns and by vibrations of two double-stacked trains entering, travelling in, and leaving the completed tunnel?
- What is the decibel level during construction of jack hammers, backing up vehicles, other vehicles or construction equipment, moving of material, etc.?
- Has any data been collected which distinguishes the noise reductions between double-paned and triple-paned windows?
- What time of day will noise occur and how can it be reduced during meal times, sleeping hours, weekends, and holidays?
- What innovative materials might be used to reduce the noise under the tracks and/or in the train tunnel to reduce vibration noise?
- What innovative materials might be used to help reduce the "echo" of traffic noises under the highway underpasses?

Water Quality Impacts

- What potentially hazardous or dangerous chemicals or contaminants might be found in the soil in or around the tunnel and/or its walls that may need remediation so that they do not impact water quality? How would this be handled?
- What if, during the construction phase, an accident or derailment occurs with rail
 cars carrying hazardous materials that could seep into the soil and/or impact the
 water supply and/or quality? How would this impact the Capitol Quarter and
 surrounding area residents' ability to live safely in their homes and use regular
 plumbing, and how would this be mitigated?
- What is the depth of the water table in and below the tunnel?
- To what extent, if any, do the grassy embankments on the south side of the highway have any impact on storm water runoff? What, if any, water quality purpose(s) do the existing embankments serve? If these embankments do play a positive functional role, but will be eliminated post-project, what mitigation will replace this functional loss?
- What is the plan for minimizing any type of water service disruption during construction?

Health Impacts

A major concern to everyone in Capitol Quarter is the possibility of mice, rats, termites, roaches and other vermin, that may have made their home in or near the Virginia

Avenue Tunnel, will enter our neighborhood and invade our homes. As with most inner city construction projects, unwelcome critters often scatter when their "homes" are invaded. With this potential intrusion comes the risk of health issues. We request that CSX provide pest and vermin preventive and treatment services for the Capitol Quarter homes and neighborhood, including contiguous public areas, during the course of the project.

Another area of interest is the ability of police, fire, and other emergency vehicles will be provided adequate space to access and traverse the neighborhood, including all streets, driveways and alleys during the course of the project. While important to all parts of the Capitol Quarter, this is especially critical in the area of our senior neighbors at the Arthur Capper Senior Community Center.

The presence and potential release of asbestos form the existing tunnel is also of great concern.

- What is known about the possible presence of asbestos in the existing tunnel?
- What if there is asbestos in the tunnel? How will the community be notified of its presence?
- What measures will be taken to ensure the asbestos is contained and not of any harm to the residents of the community?
- What health and safety features, such as ventilation, exist in the current tunnel and will be included in the reconstructed tunnel?

Last, please refer to the Air Quality, Water Quality, Safety and Noise Impact sections of this statement to address concerns that may impact residents' physical and mental health as well as ability to achieve restful sleep.

Construction Impacts

The three-year construction timetable for this project is going to be, at a minimum, a general nuisance and, at its worst, a highly disruptive impediment to our quality of life. Many of these have been mentioned in other impact areas of this statement, such as the Safety and Security (Terrorism) areas and, for brevity, will not be repeated here.

Several issues that deserve repeat and/or new mention include:

- Prioritize expediting the completion of construction work south of the highway along the areas where homes exist.
- Treatments for the prevention and elimination of vermin in and around all Capitol Quarter homes and the contiguous public spaces

- Identification of the water table depth inside of the tunnel, and any implications this may have for construction and/or water quality
- Investigate the reduction or elimination of late night train traffic
- Identify limitations of weekday, weekend, and holiday hours for construction and its related noise to occur
- Conduct a structural evaluation of home foundation conditions before construction in order to properly assess any structural damage due to the tunnel construction as well as by the vibrations of trains during and after tunnel construction
- Provide full documentation of the underground utilities encountered during construction, and provide a plan for minimizing any type of utility disruption during construction
- Investigate the use of innovative noise absorption and buffering products that can be used to permanently line the renovated tunnel walls
- Throughout and upon completion of construction, power wash/clean the home exteriors, including windows and sweep all streets and sidewalks of construction dirt and debris.
- Will pile driving be necessary for the construction of the temporary trench/tracks on Virginia Avenue and/or for the reconstruction of the tunnel? What steps will be taken to stabilize and protect the structural integrity of the existing area homes and foundations during the construction phase?

Visual Impacts and Aesthetics

Regardless of the ultimate scope of the project, including the determination of temporary rerouting/tracking for train traffic, the visual impacts to the Capitol Quarter community and surrounding area likely will be extensive during construction. Several areas of concern have already been mentioned, including the possible removal of trees.

Additionally:

• We are interested in knowing how lighting in the construction area will be handled, including how safety and access lighting will be balanced with construction lighting needs, including the impact on residents' ability to sleep.

The Capitol Quarter Community is very interested in how the area will appear once the project work has been completed. Having endured the noise, dirt, disruption, inconvenience, and the general nuisance of living in and near another three years of construction, directly contiguous to some of our community's homes, the residents of

our entire community anticipate an aesthetically pleasing vision for our community. For brevity's sake, we will not repeat relevant "aesthetic" items that have been mentioned in other impact areas of this statement. Items that we wish to see addressed as part of the post-project visual impact plan include but are not limited to the following:

- Adequate lighting, consistent in design with other neighborhood lights, along Virginia Avenue, under the highway underpasses connecting the north and south sides of the neighborhood
- Grass, trees (including mature tree replacement, if current trees are removed or die), and other landscaping features (and their maintenance) which are welcoming, attractive, safe and useful for the residents of the community, including surrounding area, including children, seniors, and those with limited mobility
- Attention to the condition of the highway underpasses spanning the length of the
 project, including adequate lighting, the use of noise absorbing materials to
 minimize echoes under these underpasses, and a design treatment which ties
 the north and south sides of the highway together rather than dividing them

Safety Impacts

In any construction zone, safety is an important function impacting the workplace, the surrounding area, access near and around it and it is an area of 24/7 impact. Due to the proximity of the proposed project to homes and residences that include children, persons with disabilities and/or limited mobility, and senior citizens, we request knowing more about the following issue and how they will be mitigated:

- How will the construction site be secured so that pedestrians, bicyclists, skaters, vehicles and pets will not be able to voluntarily or involuntarily enter, or throw material into the tunnel and/or the temporary trench/track, if it is determined that this is the selected solution for existing train traffic?
- How will construction material(s) be brought to the site and removed from the site to reduce safety hazards? Related to this, how will construction material(s), equipment, and tools be stored and protected at the site?
- What health and safety features, such as sprinklers and ventilation, exist in the current tunnel and will be included in the reconstructed tunnel?
- How will we be assured that crime and vandalism to our homes and property will
 not increase due to the activity in the area?
- As previously mentioned, we have an interest in the traffic impacts of the proposed project, and the safety implications of any revised traffic patterns

required by the proposed project as well as other area construction projects, and how multiple projects are coordinated.

- As previously raised, we must ensure that adequate access is always available for police, fire, and other emergency vehicles to the neighborhood, regardless of weather conditions.
- What, if any, evacuation planning has been considered, should a natural disaster and/or train derailment/accident require it?
- If it is determined that a temporary trench/track will be built in the area during construction, what kind of structure will be constructed over trench, and how does such a structure ensure the safety for vehicles, pedestrians, children (including strollers), bikers, skaters, and those in wheelchairs or with limited mobility.
- How will the lighting in the construction area will be handled, including how safety and access lighting will be balanced with construction lighting needs including the prevention of resident sleep patterns?
- Will the traffic lights in the area be retimed to correspond to changing traffic patterns during construction?
- We are interested in hearing from first responders about their perspectives of the proposed project (construction and post-construction) on issues related to safety such as a possible a derailment or accident (including one that contains hazardous or dangerous materials), running two trains in the finished tunnel simultaneously, the speed of trains, and other items they deem relevant.
- We are interested in hearing from D.C.'s Chief Technology Officer, who is slated to move people and equipment containing data into the renovated building at 200 I Street SE.

Security Impacts (Terrorism)

The threat of terrorism sadly is the new normal in the U.S. and this especially is true in our nation's capital. The proposed project is located only blocks from the U.S. Capitol, U.S. Department of Transportation, U.S. Marine Barracks, and U.S. Navy Yard. While we recognize and appreciate the security steps that many industries, including the freight railroads, have taken, we do have serious apprehensions in this impact area.

 What, if any, evacuation planning has been considered, should an act of terrorism occur against the trains, the area and/or property of the project, and/or the local area, including the in or around the Capitol?

- What precautions do CSX and all of its contractors take and plan to take with regard to ensuring their employees and vendors have been adequately screened?
- To what extent, if any, does running trains through a temporary trench/track rather than a permanent track raise the security threat?
- Who will have access to the tunnel and construction site during construction as well as to the tunnel and entrances after construction, and how is such access controlled? How will CSX monitor access control to ensure it is not compromised?
- In recent weeks, a bullet from a random highway shooting entered a Capitol Quarter home contiguous to the highway. What planning, if any, has been done to prevent such an occurrence at or near the project to protect the project, its property and equipment, and any trains, including those carrying hazardous materials, through the area, both during and after construction? Also, please address this question from the perspective of protecting against such an occurrence when a train is passing through the temporary, open trench/track, is such alternative is selected.
- Are there multiple ways to enter the tunnel or a temporary trench/tunnel during construction that could potentially compromise the security of materials being transported on the rail line and increase vulnerability to terrorism?
- We request that the scope of the project include a detailed identification and evaluation of the hazardous materials being carried in the tunnel and temporary trench/tunnel as well as an evaluation of the additional risk(s) caused by potentially quadrupling of the amounts of these materials travelling through the tunnel after completion of the project.
- We are interested in hearing from first responders about their perspectives of the proposed project (construction and post-construction) on issues related to security and terrorism, such as a possible a derailment or accident (including one that contains hazardous or dangerous materials), running two trains in the finished tunnel simultaneously, and other items they deem relevant.
- We are interested in hearing from D.C.'s Chief Technology Officer, who is slated to move people and equipment containing data into the renovated building at 200 I Street SE, about the potential threat to the important data being maintained should a security problem occur at the proposed project site.

Right-of-way/Public Space Impacts

A critical aspect of the proposed project that continues to remain unresolved is an exact determination of the boundaries for the public right of way and the CSX property lines.

We request that a thorough field study as well as review of current and historical legal and property documents and records be conducted to clearly resolve this boundary issue. Of particular importance to the Capitol Quarter community is a determination of what the boundaries are for areas on Virginia Avenue, contiguous to Capitol Quarter residences, which are the responsibility of the HOA, public right of way, CSX property, the National Park Service and other possible entities (City, Federal) and/or options. It is our position that these determinations must be made before a project design can be accurately proposed and assessed for impacts to contiguous private property, public right of ways.

We also request that any and all information, findings and/or actions relevant to this issue be fully and timely disclosed to our community and residents, and to the lead agency the Federal Highway Administration. Additionally, we request that CSX or its agents take no legislative, statutory, regulatory, or judicial actions pertaining to this issue or impact during the NEPA process.

Setting of Precedent

The District Government may also be concerned about the precedent that this project could be setting for use of right-of-way above and underground as it applied to utilities, an area that they have been heavily regulating.

- How similar is the proposed VA Avenue Tunnel Project (tunnel construction and/or construction of a temporary trench/track) to other projects that CSX has undertaken or is undertaking? What sort of mitigation actions were taken relative to the issues raised in this statement and with what degree of success? How have damages and claims been handled?
- What right of way issues have been encountered in these or other projects? How have they been handled/resolved?
- How does CSX plan on keeping the community updated on project progress, as well as accepting community input and feedback?

Impressions of NEPA Process and Meetings to Date

We recognize and appreciate the NEPA process and its inherent requirements for citizen and public input. However, many community residents have expressed disappointment with the format of the September 14, 2011 Scoping Meeting and the availability of sufficient information to answer attendee questions. The Federal Highway Administration solicited community feedback about the meeting and several residents responded with comments. It is our understanding that the FHWA will play a larger role in all future meetings and we hope this will include an overview presentation at the beginning of each meeting.

Communication with Other Entities

Additionally, it is our desire that the following entities be notified of the proposed project and that written comments about the proposed project be solicited from them:

- U.S. Department of Homeland Security, National Protection & Programs Director
- Capitol Police
- DC Metropolitan Police
- DC Fire Department
- U.S. Secret Service
- Federal Bureau of Investigation
- Delegate Eleanor Holmes Norton
- Relevant U.S. House and Senate Committees
- Office of the Mayor
- D.C. Office of the Attorney General
- D.C. Chief Technology Officer
- D.C. Homeland Security and Emergency Management Agency
- National Park Service
- National Capital Planning Commission
- U.S. Marines
- U.S. Navy
- National Transportation Safety Board
- U.S. Department of Transportation's Federal Railroad Administration

On behalf of the Capitol Quarter Homeowners Association, we appreciate your interest in our comments and questions, and we look forward to the responses you can provide to our questions and requests.

Sincerely.

Bruce M. DarConte

President

Capitol Quarter Homeowners Association

Brin Dusema

Brian Huseman Vice President

Capitol Quarter Homeowners Association

The Committee of 100 on the Federal City



October 19, 2011

Founded 1923

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Nancy MacWood

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Lance Salonia
Marilyn J. Simon
Richard Westbrook
Dr. Beverley Wheeler
Evelyn Wrin

1317 G Street, N.W. Washington, D.C. 20005 202.681.0225 info@committeeof100.net Mr. Marcel C. Acosta Executive Director National Capital Planning Commission 401 9th Street, NW, Suite 500 Washington, DC 20004

Re: CSX Virginia Avenue Tunnel (VAT) Project

Dear Mr. Acosta,

I am writing not only with reference to the CSX VAT, but also to the larger need for comprehensive planning in the Southeast and Southwest quadrants and to urge NCPC to enlarge the initiative undertaken in the Southwest Ecodistrict to include the Virginia Avenue railroad right of way east of Hancock Park.

CSX railroad is embarking on an ambitious project to reconstruct a 4,000 foot long tunnel in the Virginia Avenue, SE right of way. The existing single track tunnel is over 100 years old and is inadequate for modern freight rail transportation. As CSX indicates on its Virginia Avenue Tunnel (VAT) website http://www.virginiaavenuetunnel.com:

The purpose of the project is to provide CSX with the ability to operate double-stack intermodal on a vital segment of the nation's rail network, and eliminate a chokepoint caused by the Virginia Avenue Tunnel's single track. . . By creating a reconstructed Virginia Avenue Tunnel with a vertical height that will allow CSX to operate double-stack intermodal container freight trains, the railroad will be able to expand its capacity to transport freight in an environmentally sensitive manner. And, because the new tunnel will re-establish a second set of tracks (the tunnel was originally constructed with two tracks), CSX will eliminate the chokepoint that currently delays all trains traveling through the Washington region.

CSX is proposing an aggressive schedule including public meetings/hearings through Fall, 2011 and Spring, 2012 with a projected decision for go-ahead in the Summer of 2012.

Concurrent CSX Projects

The VAT is only one of several projects being pursued by CSX as part of track upgrades which affect the urban fabric and livability of Washington. CSX's National Gateway website http://www.nationalgateway.org/projects?state=DC describes individual track lowerings proposed for New Jersey Avenue, SE; 10th Street, SW; the I-395 Ramp in SW, and 12th Street, SW. These track lowerings are proposed to occur in conjunction with the VAT to provide additional vertical clearance.

Existing Railroad Conditions in Southeast and Southwest DC

The railroad tracks entering Washington from the south at the Potomac Avenue Bridge proceed as recessed tracks along the original Maryland Avenue, SW alignment. At Hancock Park the Amtrak tracks turn northeast, and proceed under the Mall, to Union Station. At Hancock Park the CSX tracks turns southeast and follow Virginia Avenue, above ground past New Jersey Avenue SE, until the freight tracks enter the existing single track tunnel at 3rd Street, SE.

Recent Planning Efforts

The National Capital Planning Commission has taken the lead in the Southwest Ecodistrict Initiative to transform the Maryland Avenue corridor. The first plan from that Initiative is the Office of Planning's Maryland Avenue Small Area Plan to deck over Maryland Avenue and thereby place the tracks in a tunnel as far east as 7th Street, SW (Hancock Park). The tunnel under Maryland Avenue re-establishes the L'Enfant grid and strengthens sight lines to and from the Capitol, establishes connectivity and makes possible significant development opportunities along Maryland Avenue and creates security and safety benefits for both the above ground and below ground users.

The Need for Coordinated Comprehensive Planning

The VAT addresses only one of three distinct but connected segments of the CSX and Amtrak railroad tracks that enter the City from the Potomac River Bridge and either proceed to Union Station or eventually enter the Virginia Avenue Tunnel. In addition please note:

- The National Gateway projects do not take into account the Maryland Avenue Small Area Plan, nor do they address any decking over of the railroad tracks west of the New Jersey Avenue bridge. The proposed track lowerings are the least cost means to serve solely the interests of CSX by accommodating taller, stacked container trains.
- The Small Area Plan for Maryland Avenue does not address Virginia Avenue, and thus from 7th Street, SW to 3rd Street, SE the tracks would be exposed, and for the most part, elevated.
- There is an absence of systematic coordinated review and oversight. The Federal Highway Administration and the District Department of Transportation are overseeing the VAT project, and the National Capital Planning Commission and DC Office of Planning are overseeing the Maryland Avenue plan.

Although the projects address different segments of the same railroad tracks, it's all one transportation system in relationship to continuous urban fabric. A comprehensive, coordinated planning effort is urgently needed to leverage the private initiatives of CSX for the greatest civic benefit, heal urban scars created by earlier infrastructure, reconnect urban fabric and invest in the long term revitalization, growth and sustainability of the historically important Maryland Avenue SW and Virginia Avenue SE corridors.

The Committee of 100 therefore urges the National Capital Planning Commission to enlarge the initiative undertaken in the Southwest Ecodistrict to include the Virginia Avenue railroad right of way east of Hancock Park.

Coordination of what happens to these three sections of rail track need to address at least the following threshold issues:

- If it is important to re-establish the L'Enfant grid for Maryland Avenue, why not also do so for Virginia Avenue?
- If there are security concerns about exposed tracks along Maryland Avenue, why do those concerns not also apply to exposed tracks along Virginia Avenue?
- If decking over Maryland Avenue would establish a lively mixed-use boulevard with strong connectivity through Washington's core, why would decking over Virginia Avenue not provide similar benefits and opportunities?

Thank you for the opportunity to comment on this important project. The Committee of 100 looks forward to future discussions and would be happy to meet with you and NCPC staff to discuss these matters in more detail.

Sincerely,

George Clark

Chair

Cc: Stephen Ayers, Architect of the Capitol

Peter May, Associate Regional Director Land Resources and Planning, National Park Service Thomas Luebke, Secretary, Commission of Fine Arts Harriet Tregoning, Director, DC Office of Planning Joseph C. Lawson, Division Administrator, Federal Highway Administration

From:

Sent:

Thursday, September 22, 2011 10:24 AM

To:

Hicks, Michael (FHWA)

Subject:

Virginia Ave. Tunnel NEPA

Michael,

I understand you are collecting comments on the NEPA scoping of CSX's Virginia Ave. tunnel project. As an employee of DOT and resident of Capitol Quarter (which is located just south of Virginia Ave. between 3rd street and 5th street, SE), I urge CSX to study the possibility of constructing a tunnel deep enough to accommodate the Southeast/Southwest freeway. I suggest CSX use this opportunity to become a worldwide leader in transportation innovation, while at the same time creating a truly sustainable community, by 1) sinking the freeway below ground, and 2) create a greenway over the tunnel. I feel strongly that Boston's Big Dig, and other similar engineering projects, can provide useful insight and lessons learned to aid in this undertaking.

Is there a docket associated with this process that I can formally submit my comments?

Thanks,

From:

Sent:

Wednesday, September 28, 2011 8:22 AM

To:

Hicks, Michael (FHWA)

Subject:

Virginia Avenue Tunnel Project

Mr. Hicks,

I am writing to share my thoughts about the Virginia Avenue Tunnel Project Scoping Meeting held in September 2011 at the Van Ness Elementary School.

I was extremely disappointed by the meeting. There was no presentation - and honestly no new information. Every question my wife and I asked was met with spin or a deferal. Specifically, when questions were asked about the nature of the trench, the hired PR folks/ CSX employees just turned it around on us and said we are looking for information from you - but of course, as we explained to them, we are hardly in a position to comment when we don't have any information to frame our comments with. I was also disturbed by a rather frank response from a CSX employee who, when asked about alternatives, made it clear that any alternatives would only be for the purpose of checking a NEPA box - and that they had already decided on the open trench through our neighborhood as the best alternative.

I have other thoughts about the meeting itself, mostly in the context of it was completely useless, but what I would rather do is share my thoughts about the project, thoughts I e-mailed to CSX after the meeting:

To Whom It May Concern,

I reside in the Capitol Quarters development with my wife and two young children (2 1/2 and 11 months). I am writing to comment as regards my thoughts on this day (September 19, 2011) on the Virginia Avenue Tunnel Project.

As we reside in close proximity to this project, we are extremely concerned about how the plans to build this tunnel will affect the health and safety of our community, our household and our children. Specifically, let me share the following list of concerns:

- 1. Physical hazards from an open trench. While I am certain that some minimal safety measures will be taken by CSX this is going to be a multi-year project with an open trench in a community of families with young children. I am very concerned that the safety measures taken will be insufficient to protect the physical health of our children and frankly the adults as well.
- 2. Physical hazards from pollution dangers. During the period that this trench will be open and while they are working to expand a 100+ year old tunnel I am terrified of the types of pollutants that will be released into the air be them additional pollutants from the train engines, pollutants from particulates kicked up by the trains in the temporary tunnel and of course a variety of environmental

concerns associated with the expansion of a 100+ year old tunnel - releasing the various pollutants that have been trapped in that tunnel, as well as biologicals (rat filth, etc) for decades (during much of which there was little to no concern for the environment) - and other environmental concerns too numerous to mention.

- 3. Noise pollution. The additional noise which will be suffered by all members of this neighborhood needs to be considered as well I am concerned that it is going to make it difficult for my children and I to sleep and nap as well as concerns about how the increased noise will detrimentally affect our health. Frankly, I am concerned that this project is going to make it difficult or even impossible for us to continue to live in our home. As your lawyers know, I have a right to the quiet enjoyment of my house and I am very concerned that this project is going to seriously interfere with that right and result in a taking of my \$1,000,000 home.
- 4. Destruction of the property values of our neighborhood. During the time when this trench will be open we will no doubt suffer a temporary and likely permanent reduction in the value of our property (who would want to move to a neighborhood with an open trench which trains run through? And, who would want to travel to such a neighborhood for dinner? Or to go to the park? These are real and serious concerns). Additionally, this construction would be arriving just exactly at a time when the neighborhood is beginning to take off as a result the development of the region could be permanently and negatively affected or (pun intended) derailed. Accordingly, in order to do the right thing CSX will have to consider appropriate financial compensation for this loss to the property values of all owners.
- 5. Destruction of old growth trees. In response to a question asked previously of CSX it was confirmed that the old growth trees along Virginia Avenue would be destroyed during this process. This is unsatisfactory. If these trees are to be destroyed they must be replaced by similarly aged/ sized trees or a reasonable approximation must be made.
- 6. Access under all underpasses all underpasses must be open and accessible for pedestrian traffic. On a weekly basis my family and I access all underpasses under the SE/SW freeway to go to restaurants, parks and our church on the north side of the freeway.
- 7. Alternatives. Alternatives must be considered and the digging of a trench through a community must not be the only option considered. Among the alternatives I would suggest are: a) diverting traffic for whatever time is necessary around the tunnel and thus making the tunnel accessible for your work without inconveniencing our community, or endangering the health of the children in our neighborhood; or b) permanently diverting the traffic to other tracks it seems a little odd that the only and best way to satisfy CSX's transport needs is to widen tracks in the middle of a major city. Wouldn't CSX, our community and the DC area be better served if these trains were to travel in a non-high population density area?

CSX had years during which there were few people living in our neighborhood to expand this tunnel. It is disappointing that CSX waited until our community had a substantial population to begin considering this project. Furthermore, I am also concerned that CSX has decided to hire a high-priced PR firm to represent its interests in this regard - I am concerned because that money could be better spent on items which would minimize the harm which will befall our community, compensate the neighbors for that harm, and leave our community in a better condition that it was when CSX arrived. Furthermore, the fact that CSX has decided to hire an expensive PR firm leaves little doubt in my mind that whatever alternatives are considered during the NEPA process - only one real alternative exists: that of tearing an open gash through my community.

Obviously we are quite concerned both with the project itself and with how CSX is moving forward with this NEPA process. We are concerned that we will be provided with more incomplete information and spin rather than data we can use to make an informed decision - and which we can use to make informed comments and questions. Bottom line, we are concerned that CSX is going to obfuscate and spin its way into going a head with this project and deny the community the opportunity to provide meaningful input.

Thank you for your time and consideration.

Mark D. Baker

413 L Street, SE



November 8, 2011

Mr. Joseph C. Lawson
Division Administrator
Federal Highway Administration
DC Division
1990 K Street, N.W., Suite 510
Washington, DC 20006-1103

Subject: Townhomes on Capitol Hill comments and concerns on the CSX Virginia Avenue Tunnel Project.

Dear Mr. Lawson:

The Townhomes on Capitol Hill is a limited equity cooperative community, owned and controlled collectively by its members. The Townhomes on Capitol Hill lies between the Eastern Market Metro and Navy Yard Metro, just north of the Virginia Avenue Tunnel Project.

The members of this Community understand the need for the CSX Virginia Avenue tunnel, and have concerns regarding how the construction project will affect our community. Some of these concerns are as follows:

- Traffic: Our Community is located under the bypass of the 6th Street exit off of 295 South and it is important to know which exit will be closed. If the 11th Street exit closes it will impact our community with traffic redirected through I Street. Additional concerns:
 - O Are you going to have a police patrol our community on a regular basis to make sure no one will be hurt with the increase in traffic?
 - o How long will the Virginia Avenue Tunnel be closed?
 - o Are there plans to close the 6th Street ramp?
- Damages: Major concern if there is damage to our foundation or walls, who will be responsible for the repairs?

- Storm water drainage: The Townhomes on Captiol Hill has just spent several thousand dollars
 in cleaning out our storm water drains. If damage occurs during the construction, who will be
 responsible for the repairs?
- **Pest control**: Once a month we have a pest control company visit our property to manage the bate treatment for rodents. If this becomes a problem, is CSX Company going to assume the cost for bating the traps, etc.?
- Communication: The lack of communication between the FHA, CSX and the shareholders here at the Townhomes has been very discouraging. The Board President has asked several times for a representative of the FHA and/or CSX to attend our Board meetings to address some of the concerns and questions that our membership might have. We feel this is very necessary for our community. The Board meetings are the fourth Monday of every month. For more information you may email me at cgue@corcoranjennison.com or call 202-544-1274.

Thank you for your time and I will look forward to your reply.

Sincerely,

Carla Gue

Property Manager

cgue@corcoranjennicon.com

cc: Tommy Wells, Ward 6 Councilmember
The Townhomes on Capitol Hill Board of Directors

Norman Metzger, Commissioner, ANC 6B SMD03



921 Pennsylvania Ave., SE Suite 305 Washington, DC 20003 202.543.3344 FAX 202.543.3507

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SMD 9 Brian Flahaven
SMD 10 Francis Campbell

SMD 11 Vacant

November 15, 2011

Joseph C. Lawson Administrator, DC Division Federal Highway Administration 1990 K Street, NW, Suite 510 Washington, DC 20006-1103

Dear Mr. Lawson;

RE: NEPA/Section 106 Review of the CSX Virginia Avenue Tunnel Project

For the past several years, ANC 6B has received a number of briefings in public session on CSX's plan to rebuild the rail tunnel that runs under Virginia Avenue from 2nd to 11th Street SE. This major undertaking abuts the southern boundary of ANC 6B and for several blocks runs through the southern part of the Commission's area.

ANC 6B's Transportation Committee received its most recent briefing from CSX on the status of the project at its July 2011 meeting, just prior to the official start of the NEPA/Section 106 review. The Commission appreciates the efforts Mr. Stephen Flippin of CSX has made to keep the Commission up to date on the project.

The initial NEPA/Section 106 public meeting held by CSX on September 14, 2011, using an "open house" format, provided essentially no new information beyond what 6B's Transportation Committee learned at its July meeting. A much more detailed presentation of CSX's plans is needed before the Commission can comment and critique the plans in a useful way. The Commission expects these details will be forthcoming in subsequent public briefings and would appreciate knowing when the "Public Design Concepts" meeting will actually be held since it is still listed as "Fall 2011" on the project website.

CSX Virginia Avenue Tunnel Project November 15, 2011 Page 2

The Virginia Avenue Tunnel project will have a huge impact on transportation, economic development, and quality of life issues for many ANC 6B residents and businesses. Thus, ANC 6B is committed to continuing its close monitoring of the project. In addition to the myriad construction details and consequences, the Commission will be most interested in hearing the details about community benefits that CSX plans to offer to the affected neighborhoods for enduring 3 years of disruptions.

Sincerely,

Neil Glick Chair, ANC 6B

Cc: Steve Plano, Parsons Brinckerhoff, Project Consultant
Faisal Hameed, Chief, Project Development, ESP, DDOT
Stephen Flippin, Director of Federal Affairs, CSX
David Maloney, SHPO, DC Historic Preservation Office
Kirsten Oldenburg, Chair, Transportation Committee, ANC 6B

Capital Reporting Company VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

1

VIRGINIA AVENUE ENVIRONMENTAL ASSESSMENT
SECTION 106 PUBLIC MEETING

National's Park
1500 South Capitol Street, Southeast
Washington, D.C.
November 30, 2011
7:00 p.m.

Reported by: Gervel A. Watts, CERT*D

Capital Reporting Company VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

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                      APPEARANCES
  SPEAKERS:
3
        FAISAL HAMEED, DDOT
        STEPHEN PLANO, Parsons Brinckerhoff
        JOHN UNDELAND, StrataComm
5 TESTIFYING WITNESSES:
6
        ROBERT LEE
        HARRY SIMITH
7
       BETH PURCELL
        FRED MILLAR
8
       KATIE MACK
       FRAN WEINARAUB
9
      JOHN HIRSCHMANN
       MAUREEN HARRINGTON
      MICHAEL CRAWFORD
10
       MARK BAKER
11 MICHAEL QUADRINO
       DAVID PERRY
12
       ROBERT KRUGHOFF
       ANN DARCONTE
13
      PAT TAYLOR
       BRENT JOHNSON
14
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3
 1
                   PROCEEDINGS
             MR. PLANO: Can we have everybody take their
 2
    seat, please? We're ready to begin.
 3
             MR. HAMEED: Can someone in the back tell me
 4
   if they can hear me? Yes? Great.
              Okay. Good evening, everyone. Thank you for
 6
   coming to our second Virginia Avenue Tunnel Environment
 7
   Assessment Meeting. At any point where you can't hear
 8
   me, just let me know and I will try to project more or
   start to yell.
10
11
             Quickly, about the meeting format, we had the
   Open House for the first half-an-hour of this evening.
12
13
   We're going to run through the presentation for the
   next 20 minutes or so, and after that we will have our
14
15
   Q & A session. We would like for you to hold your
   questions until we are finished, and after that we can
16
   have the Q & A session.
17
             Quickly, about the logistics and the
18
19
   facilities, can you let everybody know where the men's
20
   room and ladies rooms are or any other things we need
21
   to mention?
22
             MR. UNDELAND: Out the door here, proceed
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4
    along the hallway and through the glass doors are the
    restrooms.
 2
             MR. HAMEED: Okay. So for today's
 3
   presentation, we are briefly going to run over the EA
            We are going to talk about the National
   Environmental and Policy Act process and the Section
    106 of the National Historic Preservation Act process,
    the "purpose and need" for this project and then we are
 8
    also going to talk about, which you may have already
    seen on the boards, some of the project concepts that
10
11
    have been developed so far. In the end, we'll talk
    about the project schedule and also, after that, we
12
13
   have the Q & A session.
14
              Briefly, about the project's history, CSX has
   been going to the public and talking with agencies for
15
    quite some time now and there have been --
16
17
              UNIDENTIFIED SPEAKER: I know you asked if we
    could hear you, but do you mind saying who you are,
19
   please?
20
             MR. HAMEED: Oh, sorry. That was the first
21
    thing I was supposed to do. I apologize. I'm Faisal
   Hameed with the District Department of Transportation.
22
```

- 1 Since you pointed that out, I should let you know
- 2 there's the rest of the team here. We have our chief
- 3 engineer, Nick Nicholson somewhere. He needs to wave
- 4 his hand. There he is, in the back. We have a
- 5 representative from the Federal Highway Administration,
- 6 Mike Hicks is here, and we have a number of people from
- 7 DDOT, Jennie and Leslie. Wherever you are, if you can
- 8 raise your hands? Thank you.
- 9 We have a few members from the CSX team here,
- 10 Keith Brinker, if you could raise your hands? We also
- 11 have the consultant teams working on the project from
- 12 Parsons Brinkerhoff. Steve Plano is the project
- 13 manager and he will be presenting shortly. We have
- 14 Jason Yazawa from Parsons Brinkerhoff and we have other
- 15 people from Parsons and Parsons Brinkerhoff. Can you
- 16 wave your hands?
- 17 Actually, everyone is wearing a tag like this
- 18 so you can tell who's from the project team. Did I
- 19 miss anyone? I guess not.
- 20 Going back to the project history, CSX, like
- 21 I said, has been going out and talking with different
- 22 agencies and working with the community for quite some

- 1 years. Even though the project has been in the making
- 2 for quite some time, but officially, the environmental
- 3 assessment process did not start until the summer this
- 4 year.
- 5 The reason behind that was even though CSX
- 6 had this project where they did want to reconstruct the
- 7 Virginia Avenue Tunnel Project, there wasn't an
- 8 official involvement from DDOT or Federal Highway
- 9 Administration until there was as federal action
- 10 identified, and that was this year. Since it requires
- 11 highway approvals, it had to go through the National
- 12 Environmental Policy Act process and it required an
- 13 environmental assessment to figure out what the level
- 14 of impact there are for the project. And that's how we
- 15 started this project this year.
- We had our first public spoken meeting in
- 17 September and we had over 125 participants in that and
- 18 we received quite a number of comments based on that
- 19 too.
- 20 Based on the first step of the NEPA process,
- 21 we actually completed the scoping process and we are
- 22 developing the purpose and need segment, which you will

- actually see today. And you will also see some of the concepts that we've developed so far. The next step after this is actually refining the alternatives and 3 we'll go over it in the latter part of the presentation of what the next steps are. After that, we complete the environmental 6 assessment process and have a decision. We will have 7 another public meeting after this, where we come back 8 with defined concepts and then we will release the environment assessment document once it's complete, we 10 will have at least 30 days for public comments and have 11 a public hearing after the release of the entire 12 13 document. The decision will be made after the release of the document and the public hearing. 14 15 I briefly talked about the NEPA and the Section 106 overview. The NEPA federal agency for this 16 project is the Federal Highway Administration, along 17 with DDOT from the local side. 19 We have the National Capital Planning 20 Commission and the National Park Service as property

agencies for the EA process. We are also currently

doing a Section 106 National Historic Preservation Act

21

we have, which we are sharing with you today. After

- 1 that, Steve will also talk about some of the initial
- 2 concepts that we've developed so far.
- 3 It will be a little hard to see the monitor
- 4 with the presentation slides, but I think we tried to
- 5 set it up as best we could. You can actually see them
- 6 on the boards. Whatever I'm going to show on the
- 7 slides are exactly what's shown on the boards. After
- 8 Steve is done, we will talk about the next steps for
- 9 the project and then we'll have a Q & A session.
- 10 So with that, Steve?
- 11 MR. PLANO: Thanks, Faisal. Can everybody
- 12 hear me in the back? Okay. Good.
- 13 Just real briefly on the purpose and need,
- 14 the Federal Highway, as Faisal mentioned, has an input
- 15 into the project, primarily through possible affects to
- 16 I295. So they're our lead agency, and as Faisal
- 17 mentioned, National Park Service, NCPC are cooperating
- 18 agencies.
- 19 The needs of the project, we have them
- 20 bulletized for you up here. And as he mentioned, when
- 21 we actually write the environmental assessment, we'll
- 22 have a detailed purpose in each chapter, but just in

- 1 bullet form. We're looking to correct the deficiency
- 2 of the existing tunnel. We're looking to address
- 3 freight transportation in the quarter, in terms of
- 4 demand.
- 5 We're also looking to maintain freight
- 6 traffic during construction. This is a must. So like
- 7 any highway and any roadway project, maintaining what's
- 8 out there while you're under construction is very
- 9 important. Currently with that, though, it's very
- 10 important to have community objectives and input in the
- 11 process.
- So we've listed some items, including
- 13 minimizing the construction that impacts the community
- 14 while this is occurring. We also want to include the
- 15 community enhancements and improve the aesthetic
- 16 condition on Virginia Avenue and the ultimate condition
- 17 if one of these concepts is selected.
- 18 Most importantly, keep the communication
- 19 open. We're at the beginning of the process. We're
- 20 committed to communicating all the way through the
- 21 process. So know that we'll be back as many times as
- 22 you want and we'll keep the communication lines open

- 1 with you.
- 2 I'm going to briefly run through the project
- 3 concepts. As Faisal mentioned, they're on the boards
- 4 around the room. As we go through the presentation, it
- 5 will be a typical cross-section for the concepts and
- 6 there also be a map on the other screen. All of those
- 7 boards are also along the wall as you came in.
- 8 The project concepts in general, the first
- 9 one would be Number 1, a no-build. We'll also look at
- 10 a no-build condition, a baseline condition as a point
- 11 of comparison so that any of those other alternatives
- 12 can be compared to no planned construction, which is
- 13 really what this means.
- 14 So the no-build condition is the tunnel would
- 15 basically remain as is; the maintenance would go on as
- 16 is, but there would be no planned construction of it.
- 17 Then we have a series of concepts that we're
- 18 considering right now in the process that we'll
- 19 continue to look at, and at some point, we'll probably
- 20 come back in February as our target to actually screen
- 21 these down to a set of alternatives that will analyze
- 22 the environmental assessment in detail.

The first few, two through seven are really 1 rebuilds of the tunnel. I'll go through each one of 2 these item-by-item, concept-by-concept. So you have 3 the no-build. You have a family of rebuilds, 2 through 7 and then at the end, 8 through 11 are really concepts. So you have a family of rebuilds and you rerouted have a family of rerouting concepts. We'll 7 walk through each one of these. 8 Concept 1 is no planned construction. It's really a cross-section of the tunnel. You have the map 10 11 on this side. You have the cross-section to my left, your right. What we're showing here is really what the 12 13 tunnel is now. It was completed around 1907, the last part of the construction. So it's quite old. It's 14 15 about 3,800 feet long. It's a single-track tunnel, single stack tunnel and it's about five feet below 16 ground. So it's an existing condition. It's a no-plan 17 construction. Keep it as is. 19 Concept 2 would be to rebuild the tunnels. 20 Just to orient you on the slide, on the left-hand side 21 of the typical section over on my left, you have the 22 freeway and then what we have in the middle is the

- 1 tunnel, and just to the right of that, you see the open
- 2 trench. With all these concepts let me just note that
- 3 major track work would occur. We would do all the
- 4 temporary rerouting, pedestrians, autos all those
- 5 would be in place before the construction. So we would
- 6 do our best to maintain traffic out there. We'll work
- 7 on a traffic plan before the next meeting.
- 8 So after that, the first thing we would do
- 9 would be to construct the temporary track, the
- 10 "runaround track" as it's known. Once that's done, we
- 11 would divert all the train traffic over that temporary
- 12 track, then we would reconstruct the current tunnel,
- 13 the existing tunnel and it would be a new double track,
- 14 double-stack tunnel. So it would be two tracks and it
- 15 would accommodate trains two high.
- 16 MS. TAYLOR: What do you mean by two tracks
- 17 high?
- 18 MR. PLANO: We'll have time for questions
- 19 after. Thank you. Ultimately, what would happen at the
- 20 end, we would close the temporary track once we reroute
- 21 back into the tunnel, and after a tree furbish, we will
- 22 restore Virginia Avenue.

- So that's the sequence we would go through on 1 this in terms of construction. Do the temporary rebuild, move the traffic, and then ultimately replace 3 back to what you see out here today. 5 As we go through these sections, they're all oriented the same way. So I spent a little more time on that section just so you can get oriented. 7 Concept 3 is really just a mirror image of 8 what you just saw. So instead of the temporary track being on the south side, it would be on the north side, 10 close to the freeway. So that whole sequence I just 11 went through with the construction, it would be the 12 13 same construction sequence. It would be the same process, but it's just that the temporary track and the 14
- So after we looked at those, we came up with

open trench would be on the highway side as opposed to

- 18 Concept 4, which is really -- it's a bit of a hybrid.
- 19 We would have the temporary runaround track on both

15

16

the other side.

- 20 sides. It would primarily be on the south side, but in
- 21 certain cases we would place it over on the north side.
- 22 That would be between 5th and 8th. What we were trying

- 1 to do is try to build where we had the most space. So
- 2 it's a bit of a hybrid. So far what you've seen is a
- 3 temporary track on the south side, temporary track on
- 4 the north side, or one that goes between the north and
- 5 south side. And this would be a little bit more
- 6 complicated in terms of sequencing. So those three all
- 7 kind of go together in terms of how they are laid out.
- 8 Concept 5 is a bit different in that in the
- 9 orientation, again, it's the same. What we would do
- 10 with this one, first all, it would not have an open
- 11 trench. We would construct a permanent single-track,
- 12 double-stack tunnel on the south side. So where you
- 13 saw the temporary trench before, we would actually
- 14 build, on the far right of that side, a new single-
- 15 track tunnel, double- stacked/double-high. We would
- 16 cover and divert all the train traffic over to that
- 17 while we go back and refurbish the existing tunnel, but
- 18 the existing tunnel would be refurbished as a single
- 19 track, double-high tunnel.
- In the other concepts, it was a doublewide
- 21 tunnel. It would just be a singlewide, but double-high
- 22 tunnel. So in effect, we would have two single-track,

- 1 double-high tunnels.
- 2 Concept 6, we're still in that first family
- 3 of rebuilds of the tunnel. What this would involve
- 4 would be reconstructing the tunnel while using it. And
- 5 the best analogy I can come up with is I renovated a
- 6 townhouse and I lived in it while I was renovating it.
- 7 That's what this would be. We would try to construct
- 8 the tunnel, doublewide, double high while it was still
- 9 in operation. Okay?
- Now, we have 7(a) and 7(b). With 7(a) and
- 11 7(b), it would involve rebuilding the tunnel, but there
- 12 would be no temporary trench. Now, 7(a) would be
- 13 rerouting the trains through Union Station, which you
- 14 see over on my right and your left.
- 15 So basically, we would reroute the trains
- 16 through Union Station, rebuild the tunnel. So instead
- 17 of a temporary trench where the trains would be running
- 18 in those first concepts, the trains would be running
- 19 through Union Station while we rebuild the tunnel.
- 7 (b) is a variation of that. It's the same
- 21 concept except the rerouting would be on a regional
- 22 basis. Instead of Union Station, it would be on the

- 1 map that you see, and you can see the extent of that
- 2 map here, it would involve pretty extensive diversions.
- 3 Set those aside in your mind for a second.
- 4 Concept 8 is most comprehensible when you look at the
- 5 cross-section. You see the existing tunnel at the top.
- 6 What this would involve would be building a new tunnel
- 7 underneath the existing tunnel.
- The new tunnel, again, would be doublewide.
- 9 So it would be two tracks and it would be double-high.
- 10 The diameter of that tunnel right now is about 44 feet.
- 11 It's very large. It would have to be quite deep. So
- 12 it would it would be about 80 feet deep. You can see
- 13 the relationship of how far down it would be from the
- 14 existing tunnel.
- Now, freight trains and freight tracks are
- 16 very flat and they go up at certain grades, but they
- 17 can't up too fast because of the requirements. To do
- 18 that, we have a nine-mile-long tunnel, but we thought
- 19 it was important to look at a concept like this and see
- 20 what would happen. So we looked at this and we got it
- 21 down deep enough to where we need it to be. We looked
- 22 at how far it would extend out and it would be nine

- 1 miles long.
- 2 The portal location -- just to orient you on
- 3 the map -- in Virginia, it would be near the Potomac
- 4 Yard in Alexandria, and on the other end it would meet
- 5 with Metro Station. So it's quite a long tunnel.
- 6 Okay. We're entering into that second family
- 7 of concepts that I talked about at the beginning. So
- 8 instead of the rebuild, now we're in the reroutes. A
- 9 couple of these you're probably familiar with, if
- 10 you're familiar with the NCPC study that was done a few
- 11 years ago.
- So Concept 9 was in the NCPC study. It's
- 13 known as the Indian Head alignment. Just to orient
- 14 you, on the map, the green color would be existing rail
- 15 lines that we would utilize. The orange would be a new
- 16 corridor, new rail lines. But even with the existing
- 17 rail lines, it would require some major rebuilds. So
- 18 the lines were there.
- 19 We would have to do some major rebuilds on it
- 20 and then also build new railroad. You can see the
- 21 extent of that, based on the scale of the map. This
- 22 was considered in the NCPC study. We've included it in

- 1 our family of concepts at this point. It would
- 2 basically be rerouting most of the traffic through
- 3 there. There would still be some local traffic through
- 4 the Virginia Avenue Tunnel.
- Now, you notice on that slide there are some
- 6 prices listed for a couple of these. They're in the
- 7 NCPC study. We just included that for information
- 8 purposes. We don't have prices yet for the other
- 9 concepts, but that will be developed as we move through
- 10 the process.
- 11 Concept 10, known as the Dahlgren Alignment,
- 12 is a similar approach. It's a regional reroute on a
- 13 bit of a different alignment. Both Concepts 9 and 10
- 14 would require new bridges over the Potomac. There are
- 15 30 plus miles of new railroad. Again, the color-coding
- 16 is the same. The green is existing rail but major
- 17 rebuild and the orange would be our new corridor.
- 18 Concept 11 is our last one. This would be a
- 19 rerouting on a regional basis. You can see the extent
- 20 of the rerouting. A lot of the rerouting would be in
- 21 other areas of the east coast. So it's kind of our
- 22 last rerouting alternative and concept. So this would

- 1 require some pretty extensive diversions of traffic,
- 2 but it was something we felt we should consider in our
- 3 family of concepts at this time. Just to summarize
- 4 quickly, Concept 1 was a no-build; 2 through 7 were
- 5 rebuilds; 7 through 11 are reroutes, and they are
- 6 different types of extents, in terms of differences.
- 7 Okay. I'm going to turn it back to Faisal.
- 8 He's going to talk about the project schedule and other
- 9 things and then we'll quickly get into the Q & A
- 10 session.
- 11 MR. HAMEED: This is our proposed schedule
- 12 right now. We are at the Public Concept Meeting, which
- 13 is today. After this, we will evaluate these concepts
- 14 further. I'm sorry; is that better?
- We are already at the Public Concepts
- 16 meeting. After this, we will reevaluate these concepts
- 17 further and we'll have another public meeting somewhere
- 18 in the February timeframe of next year. We are
- 19 collecting data on a number of things, including
- 20 environmental issues, traffic and others. Once we have
- 21 the refined alternatives, we can start analyzing the
- 22 impacts on those resources by these concepts.

1	Like I said in the beginning, we're doing the
2	Section 106 process concurrently. We will be starting
3	the consultation process for Section 106 soon. As I
4	said, it has been initiated and we've sent the
5	consulting parties letters already. We will be
6	collecting the data from the historical resources, the
7	archeological issues and other things.
8	We do want to have our environmental
9	assessment document prepared somewhere close to spring
10	and summer timeframe next year and then we will release
11	the document for public review and have a public
12	hearing two weeks after that. We hope to have that by
13	the summer next year. Then we can make a final
14	decision based on what we get from the community, based
15	on the assessments that have been done, and the
16	agencies' input sometime around the same timeframe in
17	the summer.
18	We don't have the exact dates or days right
19	now. It all depends on who much input and what kind of
20	impacts we discover as we move forward. Like I said,
21	this is still a proposed schedule.
22	One of the important things about the project

- 1 is that the public involvement, the agency involvement
- 2 and the comments we receive -- actually, the public
- 3 meeting is one way of providing comments. We have a
- 4 project website.
- 5 We have a number of ways for you to provide
- 6 comments. Today you can leave us your comments by
- 7 using the drop-box, which is located in the back. I
- 8 think there are forms available in the back for the
- 9 comments. Please make sure that you do that.
- 10 If you don't want to leave your comments with
- 11 us today, you can mail them later, or you can fax them
- 12 or e-mail them to us. There is a court reporter or
- 13 verbatim reporter right here. She's not officially
- 14 from a court; that's what she's called. It's to make
- 15 sure that if people do not want to write comments and
- 16 they just want to have verbal comments, they can go and
- 17 get their comments recorded. You can e-mail us your
- 18 comments if you want and send it to
- 19 virginiaavenuetunnel.com. You can also go to our
- 20 website.
- 21 You should be able to send us comments
- 22 anytime during the process. It would be very helpful

- 1 if you give the comments on the concepts today. I know
- 2 we had the Open House in the beginning and we have the
- 3 big maps in the back to talk about those things, but if
- 4 you feel you were not able to digest all the
- 5 information and were not able to submit the comments
- 6 today, like I said, definitely send them later through
- 7 mail, e-mail or fax.
- 8 With that, I think I will hand it over to
- 9 Steve to talk about the ground rules of the Q & A
- 10 session. One last thing before I finish. We will be
- 11 doing conceptual engineering during the environmental
- 12 assessment phase. Once we are done, we have a decision.
- 13 A detail design will follow after that and
- 14 then sometime later there will be construction. So
- 15 this is the very first phase of making the decision.
- 16 This is not the final design or the construction phase.
- 17 This is only the start of the process. So I just
- 18 wanted to make sure everybody knew that.
- 19 MR. UNDELAND: Good evening. My name is John
- 20 Undeland. I'm part of the CSX Federal Highway DDOT
- 21 team. Now we're at the part of the program of the
- 22 program where we want to hear from you. Before we get

- 1 into that, I just want to go over a few ground rules so
- 2 that this goes smoothly and we all get a chance to
- 3 speak.
- 4 First of all, we're going to take questions
- 5 from those of you who signed up. As you came into the
- 6 room here, you had the opportunity to sign up. Those
- 7 who weren't aware of that, if you would like to sign
- 8 up, we are still open for signing.
- 9 Once you did sign up, you got a number. So
- 10 we're going to call you in order of those who signed
- 11 up. Please promptly come to the mic. I'm going to be
- 12 announcing the next speaker, then the following two
- 13 speakers. We're here at the ballpark, right? So I'm
- 14 going to call you up as who's at bat, who's on deck,
- 15 and who's in the hole. If you do miss your
- 16 opportunity, we will simply put your name at the back
- 17 of the list. You will have a chance to speak.
- 18 When you do come to the mic, please state
- 19 your name very clearly and if you are representing any
- 20 organization, identify what that organization is as
- 21 well so that our court reporter can get that clearly.
- 22 To keep the program moving and ensure that

- 1 everyone gets a chance to speak who would like to
- 2 speak, we're going to hold your questions and comments
- 3 to a two-minute max. You don't have to go two
- 4 minutes, but we're going to hold you to a two-minute
- 5 max. If you have a two-part question, we're going to
- 6 ask that you do ask both parts of it initially.
- 7 You will have a light system here just like
- 8 you are doing testimony, or what-have-you, to alert you
- 9 as you're giving your remarks or questions as to where
- 10 you are with the time.
- We are in a ballpark, but we're going to
- 12 certainly ask that you not applaud, please, and no
- 13 booing, certainly, just out of respect for your fellow
- 14 speakers. We will wrap things up here at 8:30. As
- 15 Faisal mentioned, there are additional ways to comment
- 16 if you don't wish to comment here.
- 17 Our first speaker is Rob Lee, to be followed
- 18 by Harry Smith and then Beth Purcell.
- 19 MR. SIMITH: Simith.
- 20 MR. UNDELAND: Simith. I'm sorry. I'm going
- 21 to butcher some names, so forgive me in advance.
- 22 MR. LEE: Good evening, my name is Rob Lee.

- 1 I live on I Street, Southeast. My question is really
- 2 simple. How do we determine the right-of-way that the
- 3 Virginia Avenue Tunnel construction will progressing
- 4 upon over the construction process for the replacement
- 5 build?
- The 1900 law was fairly ambiguous in
- 7 specifically stating that it was only four train tracks
- 8 for the railroads to be able to build across at the
- 9 measurements that they were at the turn of the century.
- 10 The existing tunnel is about 48 feet across.
- The majority of the concepts, 2 through 7 are
- 12 designed between 80 and about 100 feet in length. So
- 13 it goes back to my original question. That's a pretty
- 14 wide margin, especially since my house sits right on
- 15 the -- I'm within 20 feet. How we do determine that
- 16 right of way?
- 17 MR. HAMEED: Thank you. Again, I'm Faisal
- 18 Hameed with DDOT. That is actually a question that
- 19 we're still looking at, especially with the right-of-
- 20 way distinction between what is owned by or what is in
- 21 the jurisdiction of CSX and what is in the jurisdiction
- 22 of DDOT. We're still trying to answer that question.

- 1 It is because of that law that you just referred to and
- 2 because some of the right-of-way information that we
- 3 have.
- 4 We have been working with CSX for the past
- 5 few weeks and we still haven't determined that. So at
- 6 that point, we do not have the answer to that question,
- 7 but we would like to get that answered.
- In terms of private property impacts, we do
- 9 have, I believe, on those maps -- and I don't know it
- 10 was clearly designated on those boards that we have --
- 11 but we do have the private property information and it
- 12 shows anywhere that there is an impact on private
- 13 property. I believe -- and Phil, correct me if I'm
- 14 wrong -- we are not going into any private property in
- 15 any of those alternatives.
- 16 MR. SHERIDAN: That is correct, with the
- 17 exception of the Marine property. But for the
- 18 privately- held property, the concepts that are under
- 19 evaluation today at present do not appear to show any
- 20 impacts, based on our research at the D.C. Surveyor's
- 21 Office on where those property lines are.
- 22 MR. UNDELAND: Next speaking is Harry,

- 1 followed by Beth Purcell and Fred Millar.
- 2 MR. SIMITH: Yes, sir. My name is Harry
- 3 Simith and I've got what I think is a fairly simple
- 4 question. It may be a misunderstanding on my part, but
- 5 as I understand the NEPA process, the environmental
- 6 assessment process is to work out the alternatives and
- 7 so on, but also to determine whether or not a larger
- 8 environmental impact study needs to be done.
- 9 Is that correct? And if so, where does that
- 10 fall in your schedule?
- 11 MR. HAMEED: Actually, you are correct. In
- 12 NEPA, there are different levels of action. We
- 13 typically do an environment assessment and you are not
- 14 sure what is the level of -- is there a significant
- 15 impact in NEPA terms or not. So you go through the
- 16 environmental assessment process, a name under NEPA,
- 17 and at the end, you determine is it a significant
- 18 impact or not. If it's not a significant impact, then
- 19 you make a decision and issue what is called upon the
- 20 finding of no significant impact.
- 21 If it's determined that there are significant
- 22 impacts, then that document is out at that point. Our

- 1 bigger environmental document, called an Environment
- 2 Impact Statement, is initiated at that point, but the
- 3 end time for doing the environment assessment is to
- 4 find out is are there significant impacts for this
- 5 action or not.
- 6 MR. SIMITH: So is that part of your final
- 7 decision? I didn't see it on any of your slides. You
- 8 went from EA to final NEPA decision. Is EIS part of
- 9 that final decision?
- 10 MR. HAMEED: Yes. That is the final. Is it
- 11 going to be EIS or we did not find any significant
- 12 impact. So that will be the final step.
- MR. SIMITH: Okay. Thank you.
- MR. UNDELAND: Beth Purcell, followed by Fred
- 15 Millar and Katie Mack.
- MS. PURCELL: Hi. Good evening. Thank you.
- 17 I'm Beth Purcell of the Capitol Hill Restoration
- 18 Society. My question to you all relates to Concepts 2
- 19 through 8. My question is will there be an engineering
- 20 study of the noise vibration projected to occur during
- 21 construction and also after the rebuild is completed?
- 22 And if so, would that study be posted online and when?

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                                Actually, as we go through
 1
             MR. HAMEED: Yes.
   the first step, we start an EA process and that is to
   collect data. So we go out -- especially for noise
 3
   analysis -- we have to go out and collect data on noise
   on what's called sensitive receptors. So we are
   collecting that data right now.
 7
              Well, we are going to start collecting that
          Then based on that data, we'll analyze how much
   data.
   the impact will be due to noise, during construction
    and after construction. And that will be part of the
10
   EA document and it will be released to the public as we
11
   get that information.
12
13
             MS. PURCELL: Okay. And will you also be
14
   projecting vibration afterwards with the double-stack
15
   double track?
16
             MR. HAMEED: This is actually a little
   different project from the typical highway projects
17
    that we do. It is a railroad, so there are two things
19
   that we have to analyze. Some of the details we would
20
   have to work out, but I believe, yes, we will do that.
21
             MS. PURCELL: You will have the vibration
   study before and after?
22
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1	MR. HAMEED: Yes.	
2	MS. PURCELL: Good. Thank you.	
3	MR. HAMEED: Thank you. Fred Millar, Katie	
4	Mack, and Fran Weinaraub.	
5	MR. MILLAR: Hi. My name is Fred Millar.	
6	I'm with the Sierra Club. My first question is are you	
7	willing to state publically, whether you are, in fact,	
8	using the long ridiculous route of which you would call	
9	our next CSX route, which is in Concept 11 over there,	
10	to go around D.C. with hazardous cargos?	
11	In other words, instead of using the nearby	
12	route, 50 miles north of D.C., which is the Norfolk	
13	southern line CSX said in court, "We will use our	
14	next available route, which goes out through	
15	Cincinnati, Cleveland, Albany I'm sorry Buffalo,	
16	Syracuse, Albany and then drops down south through the	
17	New York City metropolitan area on the way to Northern	
18	New Jersey.	
19	Will you say that, publically, of whether	
20	that is in fact the route that you're using with the	
21	hazardous cargos that you claim you are now rerouting	
22	around D.C. "voluntarily" since the federal government	

- 1 chose not regulate you on that?
- 2 The second question is would you develop an
- 3 honest map -- I mean, maps are real important here in
- 4 railroad politics, as you can see -- would you develop
- 5 an honest map that shows not just the ludicrous
- 6 alternative, which is the one that the National Capitol
- 7 Planning Commission has suggested, the gold-plated one
- 8 that would cost \$10 billion or whatever, but instead,
- 9 one that uses interchange agreements with your sister
- 10 railroad, Norfolk Southern, where it only goes 50 miles
- 11 west of D.C.?
- 12 It seems like not having that map is just a
- 13 continuation of a pattern of misleading the public
- 14 about what the real alternatives are. It looks really
- 15 arrogant and it looks really misleading. I don't think
- 16 you want to have that to be your major public image in
- 17 terms of how you treat people there.
- 18 You know, this is all based on the history
- 19 of, starting back in 2005, we tried to force CSX to go
- 20 around Washington, D.C. with cargos that the federal
- 21 government calls weapons of mass destruction. We
- 22 passed this 11 to 1 in D.C. Council. Who sued us in

- 1 court? CSX, followed by the rest of the railroad
- 2 industry with the Bush administration basically coming
- 3 in as an amicus with CSX. Those are my two questions.
- 4 MR. HAMEED: Thank you. I actually work
- 5 for DDOT, so I --
- 6 MR. MILLAR: I'm sorry; you work for who?
- 7 MR. HAMEED: I work for DDOT, D.C. Department
- 8 of Transportation. So I will have to defer that
- 9 question to CSX.
- 10 Steve, are you going to answer that question?
- 11 It's mostly about what CSX is doing.
- MR. FLIPPIN: We have Tom Murta here with us.
- 13 MR. HAMEED: Can you introduce yourself
- 14 first?
- 15 MR. MURTA: My name is Tom Murta, I'm with
- 16 CSX. Mr. Millar, excellent question. There are a
- 17 couple of things; you talked about the voluntary
- 18 reroute and we did put that into effect many years ago.
- 19 In 2009, the Federal Department of Transportation had a
- 20 regulation come into play that required the railroads
- 21 to do route risk models, based on safety and security,
- 22 using 27 factors that they promulgated. Because of

VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

- 1 D.C.'s unique characteristics as the Nation's Capitol,
- 2 certain extremely hazardous materials don't go through
- 3 D.C.; they have to be routed on other lines.
- 4 As far as using the Norfolk Southern route as
- 5 compared to CSX, I can't really address that because
- 6 that requires Norfolk Southern to be in the room with
- 7 us to discuss whether or not they would be willing to
- 8 do that interchange with us.
- 9 MR. MILLAR: Well, first of all, let me
- 10 clarify. When I said it was a misleading pattern, in
- 11 your own documents for this meeting, you actually said
- 12 that the rerouting that you're doing around Washington,
- 13 D.C. has something to do with federal regulations. And
- 14 in fact, we have made decisions to reroute, but my
- 15 understanding is that those decisions are secret and we
- 16 don't know where you're rerouting to.
- So going back to my first question, are you
- 18 willing to say publically tonight that you are using
- 19 either your own route, out through Cincinnati and
- 20 Albany and everything, or some other route which might
- 21 be the Norfolk Southern route but you can't say because
- 22 they're not here?

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1	MR. MURTA: Well, we don't publically talk	
2	about what routes we use. There are reasons for that,	
3	as you can understand.	
4	MR. MILLAR: No. I don't understand why you	
5	wouldn't want to say that you're avoiding Washington,	
6	D.C. and using a route that's much safer. Now, if your	
7	route is kind of ridiculous in that it involves	
8	endangering lots of other major cities, lots of other	
9	major target cities that are outlined, then maybe you	
10	wouldn't want to talk about it.	
11	MR. MURTA: It's not a matter of endangering	
12	anybody. It's looking at safety and security and the b	
13	best route for the product.	
14	MR. MILLAR: All right. Fair enough.	
15	MR. UNDELAND: Thank you. These are very	
16	good questions. The next speaker is Katie Mack,	
17	followed by Fran Weinaraub and John Hirschmann.	
18	MS. MACK: Hello. I'm Katie Mack. I'm a	
19	resident at 13th and Potomac Avenue, Southeast. I	
20	would first like to thank you for involving the public	
21	in your planning process.	
22	Second, is a concern, followed up by a	

- 1 question. My concern is the blowing of the train horns
- 2 at all hours of the night. I appreciate seeing in your
- 3 Q & A that you have looked into a waiver to halt that.
- 4 And my question is I'm curious as to the status of
- 5 that, the likelihood and the timeline of approval for
- 6 that to happen.
- 7 MR. HAMEED: I would defer to CSX because
- 8 this relates to CSX. Steve or Keith, who wants to
- 9 answer that question?
- 10 First, introduce yourself and what you do at
- 11 CSX, please.
- MR. FLIPPIN: Steve Flippin, D.C. Community
- 13 Affair. We also have John Wright here with operations,
- 14 who has the job of adhering to the operational rules.
- 15 As you know, the horns are a safety procedure that we
- 16 have to blow.
- 17 With this, because we would be doing
- 18 something to the tunnel, there are opportunities there
- 19 for us to change that operating procedure at the
- 20 Virginia Avenue tunnel, specifically.
- MR. WRIGHT: We're looking at that and
- 22 certainly pursuing it. I think we will have an answer

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- 1 before the final decisions will be made. So yes, our
- 2 intentions are to strongly pursue that and see if we
- 3 can find a waiver. We think that we can make it safe,
- 4 but we've got to make sure we go through a few things
- 5 and obviously have every sign off. So we can't commit
- 6 to it tonight, but you will have an answer before the
- 7 final decision.
- 8 MS. MACK: Is it likely or unlikely? I'm
- 9 just curious about if this has been looked into in
- 10 previous projects elsewhere.
- 11 MR. WRIGHT: We have areas where we've
- 12 stopped blowing horns. So yeah, it should be a strong
- 13 possibility. I don't want to commit to it, obviously
- 14 because I don't have the final authority regarding
- 15 this.
- MS. MACK: Thank you.
- 17 MR. UNDELAND: Thank you. Fran Weinaraub,
- 18 John Hirschmann, and Maureen Harrington.
- MS. WEINARAUB: Yes. I'm Fran Weinaraub. I
- 20 live at 409 First Street, Southeast. I've lived on
- 21 Capitol Hill for 40 years. My question is who is
- 22 looking out for the District resident and their

38 property? 1 Virginia Avenue is already closed. I can't walk down that street. Who do we go to? I mean, I 3 haven't heard D.C. Council take this up, but where do all the rules get enforced. Is that you? Are you looking out for giving up this land 6 that belong to the residents. I don't understand that 7 process. Has that already happened? 8 MR. HAMEED: Are you referring to the land on Virginia Avenue itself? 10 11 MS. WEINARAUB: Yes, Virginia Avenue itself. Isn't that District property? 13 MR. HAMEED: Yes. Actually, the existing tunnel lies somewhere underneath Virginia Avenue itself 14 15 too. Our understanding is that D.C. owns and operates Virginia 16 17 Avenue. We are looking for keeping that right-of-way and part of the alternative development process is that: how can the tunnel reconstruction 19 20 occur while maintaining that? At this point, DDOT has no intention to do 21 away with right-of-way. But at the same time, we do

- 1 understand that a timely construction has to occur
- 2 because of the needs from CSX, and that's what we're
- 3 trying to accomplish here by doing this process.
- Actually, that was one of the main reasons we
- 5 asked to do an environmental assessment for this
- 6 project and not approve it with just a simple approval.
- 7 We wanted to see all the impacts of this project on
- 8 everything, including the right-of-way, the roadway
- 9 itself, the community traffic, noise, and air quality -
- 10 all those issues.
- 11 Like I said, we just started the process, so
- 12 we do not have the answers, but that is part of the
- 13 D.C. Department of Transportation's job. It's not only
- 14 to protect the interest of the agencies and the
- 15 department itself, but also the residents. So yes, it
- 16 is DDOT who is going to --
- MS. WEINARAUB: So you haven't given any
- 18 permits yet?
- 19 MR. HAMEED: No. We haven't given any
- 20 permits yet.
- 21 MS. WEINARAUB: And there's no historical
- 22 assessment that has to go in here?

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MR. HAMEED: That is the Section 106 that I
 1
    referred to earlier. The National Historic
 2
    Preservation Act, Section 106 process is actually going
 3
    to be in place.
              So we will evaluate all the cultural
 5
    resources in that area and then also analyze -- or
 6
    "assessment of the facts" as it's called -- on those
 7
    resources because of this action. So there will be a
 8
    complete study that will be done on this project just
    for historic resources and archeological resources.
10
11
              MS. WEINARAUB: Independently by the
    District, not them doing it, right? You doing it.
12
13
              MR. HAMEED: We are working with CSX. Like I
14
    said in the beginning, this project is sort of unique.
15
    It is not a DDOT project. It is not a Federal Highway
   project because typically, our projects are the ones
16
17
    that we come up with the funds, the Federal Highway
    funds. This is being necessitated because there is an
19
    approval that is needed from -- or there are approvals
20
    needed from DDOT and Federal Highway because CSX is
21
    going to use our federal highway and there are permits
22
    needed and there are various access points that are
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- 1 being impacted.
- 2 So that's the reason that DDOT is involved,
- 3 but it's not our project in the sense that we have any
- 4 D.C.
- 5 dollars involved in it. We do not have any
- 6 typical federal aid highway program that we use dollars
- 7 involved in this either.
- 8 So it is being funded through CSX, but we are
- 9 ensuring that everything that is developed by CSX and
- 10 the consulting team actually meets the requirements of
- 11 the law, be in federal or local, and the requirements
- 12 of the Department. So we are not doing anything,
- 13 internally, at DDOT, but everything that has been
- 14 produced is meeting the requirements of the law. As
- 15 for the historic preservation purposes, the person in
- 16 charge for doing that, Henry Ward, does meet the
- 17 requirements, as it says in the regulations for the
- 18 secretary of (inaudible) qualifications. So all of
- 19 those things are being done as part of the requirement
- 20 for the law.
- 21 MR. UNDELAND: Thank you. John Hirschmann,
- 22 followed by Maureen Harrington and Michael Crawford.

- 1 MR. HIRSCHMANN: I have a few questions. One
- 2 has to do with maintenance of traffic. I'm
- 3 particularly concerned about whether the exit ramp,
- 4 coming off 6th Street, Southeast will be maintained
- 5 throughout the construction, whether it will be able to
- 6 turn both north and south at that point.
- 7 I understand you may not be able to continue
- 8 to go east on Virginia Avenue under some of the
- 9 concepts being proposed, but I'm more concerned about
- 10 this than I would have been before 9/11, since a lot of
- 11 commercial traffic can no longer go through the Capitol
- 12 grounds.
- 13 The second question pertains to whether the
- 14 contractors are going to be highly incentivized to get
- 15 the project done as quickly as possible and
- 16 disincentivized to drag it out. I think that everyone
- 17 would agree that the faster we get this over and done
- 18 with, the happier everybody will live.
- 19 And the third question is really a follow-up
- 20 on a previous question posed by someone else. Is the
- 21 D.C. Council, as the legislative is distinct from the
- 22 executive branch of the D.C. Government going to be

43 involved in this process at any point, in terms of either oversight or a more formal review? 2 MR. HAMEED: Would you repeat your last 3 question, please? 5 MR. HIRSCHMANN: Will D.C. Council be involved at any point as the legislative is distinct from the executive branch in oversight or perhaps, a more formal approval of this project before it gets the final go ahead? 10 MR. HAMEED: Okay. Your first question about the 6th exit is that so far we have not agreed upon any 11 ramp closures with CSX. Again, that was one of the 12 13 reasons we wanted to do a complete study on this 14 project to analyze which ramps, if any, should be 15 closed. 16 From the Department of Transportation's perspective, we would not like any ramps to be closed. 17 But again, we also need to understand what the impacts 19 are from the construction and how it impacts the 20 duration of construction by closing those streets or 21 those ramps or not, and that is what the document is

going to do in those analyses we produce.

The second question regarding contractors 1 working quickly during the construction. Again, it is 2 a CSX project. It will be handled by CSX in terms of 3 funding the project, but I can tell you from the Department of Transportation's perspective, again, we do want the project to be constructed, when it gets to that phase, quickly because we do realize there are 7 going to be impacts on traffic and we do want to 8 minimize that. That's why, again, we have not agreed upon the timeframe for construction. 10 11 There is no timeframe for construction right now because we wanted to do a detailed study to find 12 13 out what time span we're talking about. We do not have 14 the answer today, but I can tell you that, at least 15 from my department's perspective, that is one of our 16 first priorities. We want minimal interruption for traffic, minimum interruption for community, and a 17 shorter duration for construction. Like I said, we are 19 very early on in the process, so we do not know the 20 answers, but that's the intent, moving forward, with 21 this project. 22 MR. HIRSCHMANN: Can I suggest strongly that

- 1 the D.C. Government will have, by far, the most
- 2 leverage on this situation before it gives its sign-
- 3 offs? I strongly hope it does not give any sign-offs
- 4 to make sure that this project is incentivized as
- 5 reasonably as possible.
- 6 MR. HAMEED: Thank you. I can say that the
- 7 mere fact that we are here in the EA process actually
- 8 speaks to that. The project was brought to us many
- 9 months ago and we did not sign-off with just a simple
- 10 check. We decided that we would have to do all these
- 11 analyses before we make any decision. So we will move
- 12 forward with that understanding.
- 13 Your last question about the formal
- 14 involvement of D.C. Council; unfortunately, I don't
- 15 have the answer to that. Typically, it is the
- 16 executive side, the departments that approve projects.
- 17 At some point it will not just be DDOT approving it, it
- 18 will also be DCRA giving the permits. Typically, D.C.
- 19 Council does not get involved in these things. I don't
- 20 have the answer of who will take that action to D.C.
- 21 Council.
- 22 Steve, do you want to speak to that from the

- 1 legislative side? Is that something that is typically
- 2 done for CSX projects?
- 3 MR. FLIPPIN: Again, very unique project in
- 4 that we're having to be involved, where we're having
- 5 other right-of-way outside of our own because right-of-
- 6 way was over the top of our tunnel. Council has been
- 7 alerted and kept informed of the project, but I'm not
- 8 aware of any action that would be required of Council
- 9 on this project.
- 10 MR. HAMEED: We actually also engage with
- 11 various members of Council. I know there is somebody
- 12 from Councilman Harrell's Office who is also here. So
- 13 we try to make sure council members also know.
- We also try to engage the council members on
- 15 this. I know somebody from the D.C. Council's Office.
- 16 Unfortunately, we were in such as rush that I couldn't
- 17 get her name. Actually, she's standing right there in
- 18 the back.
- 19 MR. FLIPPIN: Linda O'Brien.
- 20 MR. HAMEED: Linda O'Brien. Now I know the
- 21 name. Someone from Tommy Bell's office is also here.
- MR. UNDELAND: Thank you. Maureen

47 Harrington, followed by Michael Crawford and Mark 2 Baker. 3 MS. HARRINGTON: Hi. I'm Maureen Harrington. I'm wondering what sort of emergency evacuation planning is being done and when that's going to be released to the public, the information about the planning, especially during the construction period. I'm also especially thinking about the circumstances regarding the events that unfolded with CSX's Baltimore tunnel fire back in 2001. The communication there was 10 11 far from ideal and I don't want to see something like 12 that happen here in the Nation's Capitol. 13 MR. HAMEED: So this was in regards to CSX evacuation or D.C.? Can you clarify that? 14 15 MS. HARRINGTON: Yeah. If there is a derailment in the tunnel or if there is any other sort 16 of problem that would require an evacuation, especially 17 during the period of construction because things are going to be a lot more out in the open and a lot of the 19 20 access routes are going to be blocked off or difficult

MR. HAMEED: I would have to defer to CSX.

to navigate. How is that being factored in?

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VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

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1	MR. BRINKER: I'm Keith Brinker with CSX. As
2	part of the NEPA process, we will develop emergency
3	response plans during the construction.
4	To address your question regarding derailment
5	response procedures, we have a set of core
6	environmental consultants and contractors that we
7	utilize within our system and they are readily
8	available to respond to such incidences.
9	MR. UNDELAND: Okay. We're about halfway
10	through our Q & A period and we're about halfway
11	through our list, so we're doing well.
12	Michael Crawford, followed by Mark Baker and
13	Michael Quadrino.
14	MR. CRAWFORD: Good evening. I'm Michael
15	Crawford. I live at 309 I Street. Essentially, I have
16	some comments for the folks from CSX.
17	First of all, I would like to thank everyone
18	for being here and I would like to thank the
19	information that you have given us. I would like to
20	urge you to continue and to actually expand this type
21	of interaction. I want to make some comments and
22	specific suggestions on how that might be done. I also

- 1 want to congratulate CSX. I've been looking at your
- 2 website and noticing that you are an extremely
- 3 profitable company. You had an excess of \$400 million
- 4 in profits in the last quarter. Every time I look at a
- 5 different announcement you're breaking records and I
- 6 think that's good. It's good for your shareholders and
- 7 it's good for people have faith, and it's good for you
- 8 guys because you're doing an excellent job, but one of
- 9 the things that occurred to me is that there is a lot
- 10 of anxiety in this community about what might happen.
- 11 I also noticed on your website that you plan to
- 12 increase your profitability in the future. It occurred
- 13 to me that resources exist, not only to control damage
- 14 on this project, but to enter into a different way of
- 15 doing this, which is to decrease anxiety in the
- 16 community and to make Virginia Avenue better,
- 17 afterwards, than it is right now.
- 18 So I would urge you to do two things. First
- 19 of all, I want to make four very quick concrete
- 20 suggestions; 1) to have a live contact person with some
- 21 sort of office hours where we could see a face and get
- 22 our questions answered, starting now, if you're willing

- 1 to; 2) To provide plain language responses to questions
- 2 about vibrations, environmental impact, you know, stuff
- 3 you guys know about. I think if you got the
- 4 information out there, we would feel better; 3) to make
- 5 a prior, credible, and even binding commitment to put
- 6 some resources aside so we don't have to worry about
- 7 whether or not you're going to hold to your
- 8 commitments. I think that would be very positive.
- 9 And lastly, as I said, to go beyond simply
- 10 mitigating the damage and commit to really making
- 11 Virginia Avenue much better than what it is. I think
- 12 that would work for the community and I really think it
- 13 would work for CSX. I think the resources exist to do
- 14 it, and I urge you to do it. Thanks very much.
- 15 MR. HAMEED: Steve, do you want to comment?
- 16 MR. DOBSON: Hi. I'm Chip Dobson of CSX. I
- 17 appreciate your comments. I want to take a stab at
- 18 responding to some of them. If I didn't get them all
- 19 or if I didn't get them in the right order, I
- 20 apologize. I think your first one was in reference to
- 21 live contact. We are taking those steps. Now,
- 22 understand, some of the things from through the NEPA

- 1 process -- maybe I think I'll let Faisal comment -- the
- 2 NEPA process has to be done in that controlled manner,
- 3 and we view this as one of those opportunities.
- Now, on a more ongoing basis, with increased
- 5 activity here, we recognize the need for that. We have
- 6 recently reassigned one of our CSX police officers to
- 7 this area. He is in the process of making that
- 8 transition now. He is in the back of this room now.
- 9 Please stand up, Andrew.
- 10 Andrew Ford is with CSX. He is a prior
- 11 Philadelphia City police officer. He has been with the
- 12 CSX Police Department for about three years now, and
- 13 he's going to be reassigned as a police officer with
- 14 CSX in this area. They were out looking today for an
- 15 office in the neighborhood that he will operate out of
- 16 it. Now, later, during construction we may expand the
- 17 capabilities or the people that are there to pull in
- 18 some other aspects of that to have more of a storefront
- 19 type of a presence. It's still under development, but
- 20 that's the first concrete part.
- I think your next comment was about
- 22 vibrations. We understand the vibrations are one of the

- 1 things that need to be evaluated. That is underway.
- 2 When we have the right data, as supervised by Federal
- 3 Highways and D.C. DOT, that will be part of the NEPA
- 4 process and that will be made available as part of
- 5 that.
- 6 I think your next comment was about
- 7 resources. This is a large undertaking and I think CSX
- 8 recognizes the need to do this well. To do it well
- 9 from an engineering perspective; to do it well from a
- 10 safety perspective, that if the tunnel is
- 11 reconstructed, there is an opportunity, you know, as
- 12 the street is put back together, to improve the
- 13 streetscape and do some things. We are open and
- 14 receptive to that as the details of the plan are
- 15 developed.
- 16 I think you had on more comment, but I'm not
- 17 sure what that --
- 18 MR. FLIPPIN: It was a combination of what
- 19 you just answered.
- 20 MR. CRAWFORD: With regard to vibrations, I
- 21 was just saying to provide simple-language information
- 22 that DDOT has about the effects of this that could be

- 1 made available and would lower some of the concerns
- 2 that we have.
- 3 MR. DOBSON: Okay. I just needed that little
- 4 memory jog. I think we're trying to do that.
- 5 Yesterday we put a round of the questions, team
- 6 questions that we've received to date that were posted
- 7 on our website. The material that you have seen here
- 8 tonight will be posted on our website very shortly
- 9 after this meeting.
- 10 We want to continue to have robust
- 11 communications. We know the website is a good means.
- 12 We also understand it's not the only means and will
- 13 continue to work those issues with the guidance of
- 14 Federal Highways and DDOT to continue that robust
- 15 communication.
- MR. UNDELAND: Good discussion. Mark Baker,
- 17 followed by Michael Quadrino and R. Taylor.
- 18 MR. BAKER: Good evening. My name is Mark
- 19 Baker. I'm a homeowner, with my wife and two small
- 20 children at 413 L Street, which is in the Capitol
- 21 Quarter community.
- I have some safety questions I wanted to get

- VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011
- 1 to, regarding my children, but if I can, I wanted to
- 2 begin with the alternatives presented in your NEPA
- 3 process. As I understand, in the exchange that
- 4 happened a few minutes ago, my concern is the hazardous
- 5 materials rerouting route, which I think we can all
- 6 presume that's the route we're using, is the most cost
- 7 effective route, is not presented as a NEPA alternative
- 8 in the process thus far; is that correct?
- 9 The silence is concerning.
- 10 MR. UNDELAND: By the format, we'd like you
- 11 to ask all your questions upfront. We're not trying to
- 12 ignore it.
- 13 MR. BAKER: No, no. That's fine. I was
- 14 hoping to get an answer to that because my concern is
- 15 that what's being presented as rerouting alternatives
- 16 around the city are nothing but book ends, and your
- 17 most cost effective manner of routing around this city
- 18 is not being presented; thus, the NEPA process in the
- 19 alternatives format is not a true alternative.
- 20 All the real alternatives are not being
- 21 presented. Perhaps, the NEPA process is being driven
- 22 towards a predetermined conclusion which concerns me as

- 1 a neighbor.
- 2 Turning to the other issues regarding my
- 3 children; as I see the drafts -- which I do appreciate
- 4 -- are far more informative than anything we've seen
- 5 previously. There are a couple of things missing.
- 6 Number 1, I don't see anything regarding the safety
- 7 that's going to be put around an open trench. When you
- 8 have small children, open trenches harboring trains are
- 9 a terrifying concept. I also don't see what routes are
- 10 going to be open north and south.
- 11 Considering we travel by foot to most places
- 12 we go, including parks on the Hill, et cetera, we need
- 13 to know that all those north/south routes are going to
- 14 be open and safe. I see my time has come to a
- 15 conclusion, and as a former appellate attorney, I know
- 16 that I need to stop speaking.
- 17 MR. HAMEED: I will actually answer Question
- 18 Number 2 first and then I will refer to Steve or Chip
- 19 from CSX to answer the first question.
- 20 With regard to safety, the cross-street
- 21 traffic -- I guess that's what you were trying to say
- 22 with regard to the street that cross with Virginia

- 1 Avenue. I will tell you that that is part of what DDOT
- 2 wants to accomplish as part of this process as well.
- 3 We want to maintain cross-street traffic on all streets
- 4 in some of these alternatives. I understand that there
- 5 may be an open trench during construction, but that
- 6 still requires a lot of safety considerations and also
- 7 do some kind of structures to maintain the cross-street
- 8 traffic, and that's what we will be analyzing during
- 9 the process.
- 10 Like I said, we are collecting the data on
- 11 the traffic, how much traffic there is, and how much
- 12 traffic it will be in the next few years during
- 13 construction.
- MR. BAKER: I feel like I need to follow up
- 15 on that because when you say "traffic," I assume you're
- 16 talking about vehicular traffic.
- 17 MR. HAMEED: No. I'm talking about all modes
- 18 of traffic.
- MR. BAKER: Oh, okay. Thank you.
- MR. HAMEED: We are the Department of
- 21 Transportation. We include auto, or bicycles, or
- 22 pedestrians, or transit. We are DDOT.

- 1 So we always consider all modes. Walking,
- 2 actually, is a big consideration for us. Part of
- 3 moving forward with the process, that's something we
- 4 want to ensure. Again, I keep on taking everyone back
- 5 to the reason we moved forward with an EA process.
- 6 That was one of the main reasons.
- 7 We wanted to analyze all impacts on traffic,
- 8 be it foot traffic, or bicycle traffic or pedestrian,
- 9 and also transit traffic. So that's what we want to
- 10 ensure, moving forward with the process, of whichever
- 11 alternative moves forward, there are cross-street
- 12 traffic allowed in those. The timing of that and how
- 13 long that would be, we also need to analyze and come to
- 14 a conclusion on. How the safety structures are going
- 15 to work, you know, these are preliminary concepts.
- 16 Actually, most of them -- I think Steve tried to point
- 17 out in the presentation of how do we look during
- 18 construction.
- 19 We will also be looking at how it will look
- 20 after construction. We don't have those today because,
- 21 again, it's all work in progress. So you will start to
- 22 see that information as it develops, as we get that

- 1 data. Again, that is the answer to Question Number 2.
- 2 That is one of our biggest concerns, maintaining cross-
- 3 traffic.
- 4 I will defer to CSX for Question Number 1 to
- 5 answer that question.
- 6 MR. DOBSON: Again, Chip Dobson from CSX.
- 7 Your first question seems to relate the reroutes that
- 8 were shown here and hazardous materials.
- 9 MR. BAKER: Let me be clear. I'm not
- 10 concerned -- I mean, yes, obviously I'm concerned about
- 11 hazardous materials, but in its context, I'm not
- 12 regarding hazardous materials as a matter in and of
- 13 itself. I'm concerned with how that route is being
- 14 utilized.
- 15 I'm sorry. Let me be clearer. I want to
- 16 know what route is being utilized to transfer hazardous
- 17 materials and whether or not that has been presented
- 18 because I would presume that the hazardous materials
- 19 route is the most cost effective route for CSX to move
- 20 goods around the city.
- 21 MR. DOBSON: I see. So in terms of what
- 22 determines the route of hazardous materials I think it

VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

59

what was mentioned here a while ago. MR. BAKER: It's a means to an end. It's not 2 hazardous materials in and of itself, it's what is the 3 route by which hazardous materials are moved? I mean, I think that would be interesting to 5 see it as a cost comparison versus the other alternatives and whether or not it is being included as an alternative. 8 MR. DOBSON: Well, the factors that determine the routes for hazardous materials, what I think Tom Murta explained a few questions ago is that it's a 11 number of federal things that go into a model that then 12 13 dictates it. It is not a cost-driven model, as you 14 were talking about. 15 The routes that are depicted in 7(a) and 7(b) were taken to the people who design our operations and 16 said if you had to reroute a large volume of trains, 17 what would be the best route? 19 Quite frankly, 7(a) and 7(b) is one concept. 20 Not saying that every train would have to go through

Union Station or every train would have to go on one of

those routes, but those are the routes that are most

- 1 represented of where they could go.
- 2 MR. UNDELAND: We're going to need to move
- 3 on. If you would like to --
- 4 MR. BAKER: That's okay. My question was
- 5 answered. Thank you.
- 6 MR. UNDELAND: Our next speaker is Michael
- 7 Quadrino, followed by R. Taylor and then David Perry.
- 8 MR. HAMEED: Sir, if you feel like your
- 9 question was not completely answered, can you please
- 10 make sure that you submit that in writing as well?
- 11 We will then address that and you will get an
- 12 answer to that question.
- MR. BAKER: Thank you.
- 14 MR. MURTA: I'd like to address that. Tom
- 15 Murta again. The DOT routing, the risk model, had
- 16 nothing to do with economic factors. It was based on
- 17 safety and security and economics were not part of that
- 18 regulation. To take a commodity out of route and
- 19 reroute, it's more expense. You have train crews and
- 20 you have train miles, locomotive usage, car usage. So
- 21 it becomes much more expensive.
- The project we're talking about here is not

- 1 about Hazmat through the District of Columbia, it's
- 2 about freight movements in general through the District
- 3 of Columbia, with hazmat being a very small portion of
- 4 overall freight movement.
- 5 MR. BAKER: I understand that. I'm trying to
- 6 find apples to apples comparison whereby, you move
- 7 freight around the city without using the Virginia
- 8 tunnel. And to me, the easiest way to make that
- 9 comparison is to find out how you move hazardous
- 10 materials, which as I understand it, District of
- 11 Columbia law prohibits hazardous material within two
- 12 miles of the Capitol building.
- MR. MURTA: It limits a very small
- 14 percentage. Less than a 10th of a percent of the
- 15 hazardous materials that are moved by rail
- 16 transportation are covered in the reroute around the
- 17 District of Columbia. There are very few commodities.
- 18 Those are toxic-by-inhalation hazard, exposes 1.1, 1.2,
- 19 1.3 that is (inaudible) through fuel, which is a very
- 20 small percentage of all rail transportation, and even a
- 21 very small percentage of hazardous materials.
- MR. BAKER: So I guess my question is when

62 you do route those hazardous materials, where does it 2 qo? MR. MURTA: It depends on who the consignee 3 is. Who bought it from whom and where does it have to go for final destination. MR. UNDELAND: I'm sorry. We are going to 6 have to move on. We have a number of speakers to get 8 to. MR. BAKER: Okay. I'll put it in writing to 10 try to get clarity. 11 MR. UNDELAND: Okay. Please do. All right. Michael Quadrino, followed by R. Taylor and David 12 13 Perry. 14 MR. QUADRINO: Okay. I'm Mike Quadrino, a local resident. I'm going to ask basic questions 15 16 because this is a new topic for me. Can you talk a little bit about each party 17 and what their goals are in this process? CSX is a private company, owner/operator of 19 20 the railroad. DDOT, I believe is looking out for the transportation needs of the city. I'm also curious to 21 know who Parsons is working for in this project. And

- 1 then DDOT, you talk a lot about maintaining the right-
- 2 of-way -- and I think you kind of answered it about
- 3 three questions ago -- but does that mean you don't
- 4 want traffic on any streets to be impeded or would you
- 5 have to close one street at a time and do detours to
- 6 get around?
- 7 Can you talk more specifically about the
- 8 goals in maintaining the right-of-way? That's it.
- 9 MR. HAMEED: I'll start. Maintaining the
- 10 right- of-way, that was an overall project,
- 11 construction done and what happens to the right-of-way.
- 12 So all our intent is to maintain what DDOT
- 13 owns today, what we believe to keep as it is.
- MR. QUADRINO: What about during
- 15 construction?
- MR. HAMEED: We do know that during
- 17 construction there will be some impacts through that
- 18 right-of-way. We don't know right now the exact
- 19 construction mechanism of how the construction will be
- 20 done and that's what's being analyzed. That's why you
- 21 see that many concepts.
- MR. QUADRINO: Assuming it's going to be

- 1 Options 1 through 7 -- because I think once you get to
- 2 Concept 8, you're talking about very expensive
- 3 operations for CSX that I mentioned they really don't
- 4 want to pursue -- so if you're talking about Concepts 1
- 5 through 7 where it's going to be open-trench
- 6 construction, you're talking about what the impacts
- 7 during construction would be for those options,
- 8 correct?
- 9 MR. HAMEED: Yes. Actually, that's exactly
- 10 what I was getting at. So during construction, in some
- 11 of those options that you see, Virginia Avenue itself
- 12 is shown as trenched. So there is an open section in
- 13 that. Then I also talked about cross-streets because
- 14 it's not just Virginia Avenue itself. There are
- 15 streets that go across Virginia Avenue. As I said
- 16 earlier, we do want to ensure that cross traffic on
- 17 those cross-streets does continue -- are maintained
- 18 during construction.
- 19 Now, after the construction is done, then it
- 20 will come back to, at the very least as it is, if not
- 21 better, but during construction, that is what we want
- 22 to ensure. Even during the development of these

- 1 alternatives, we are seriously looking what can
- 2 minimize the reconstruction or the opening of the
- 3 trench in that right-of-way.
- 4 Again, we do not have any of those answers.
- 5 If we were to accept the answer in the first place, we
- 6 would have just signed off, but we wanted to analyze
- 7 everything to understand, ourselves, what is the right
- 8 thing to do. The maintenance of traffic plans will be
- 9 developed as we move forward. We do not know which
- 10 alternative we will be moving forward with, but as we
- 11 move forward, that will be one of the key things and
- 12 that will also tell us how long the construction is.
- 13 Again, we have not agreed with CSX. We have
- 14 not given any permits and we have not agreed about the
- 15 time of construction. We have not agreed upon any
- 16 closures of lanes or streets at this point. This will
- 17 be done when we go through the process and make a
- 18 decision based on all the impacts and all the
- 19 information we get. So we will be getting that
- 20 information and making that decision as we go through
- 21 the process.
- 22 I'm sorry. I forgot your first question.

- 1 MR. QUADRINO: My question was what was the
 2 nature of each party that -3 MR. HAMEED: Oh, that's right. As I said,
- 4 it's sort of a unique process because it's not a DDOT
- 5 project; it's a CSX project, so there aren't any DDOT
- 6 funds involved in this.
- 7 CSX is the applicant in this case, or the
- 8 sponsor of this project. Before we can issue them any
- 9 permits or approvals, we had certain requirements,
- 10 including complying with the National Environmental
- 11 Policy Act, the National Historic Preservation Act and
- 12 they had to produce those documents, those processes
- 13 for us. And that's typically the case with most of the
- 14 DOTs today in the country. Most of the work is done by
- 15 consultants. We hire consultants and that's what CSX
- 16 has done. They have hired some consulting firms that
- 17 have special expertise in those areas to do that
- 18 analysis for them.
- 19 Parsons Brinkerhoff is the lead legal firm on
- 20 this project, with Steve Plano as the project manager,
- 21 and he has years and years of experience on developing
- 22 these sorts of projects. Now, along with Parsons

- 1 Brinkerhoff -- and I believe that Parsons Brinkerhoff
 2 is a full service firm and they have a number of people
- 3 with expertise in that team, but they also have
- 4 Parsons, which is a separate company, helping them with
- 5 engineering and other issues. Along with that, they
- 6 have Clark -- actually Clark and Parsons is a joint
- 7 venture in this case, helping them on design issues. I
- 8 believe MacKissic and MacKissic is also involved in the
- 9 public involvement component; is that correct, Keith?
- 10 MR. BRINKER: Yes.
- MR. HAMEED: So that's why you see a number
- 12 of consulting firms here. Since it's such a big
- 13 project and it has so many issues to consider, that's
- 14 why expertise from all these different resources are
- 15 being brought here. And then, of course, we have a
- 16 number of people from CSX here today. So that's the
- 17 relationship that is existing today.
- 18 MR. QUADRINO: So they all work for CSX right
- 19 now?
- MR. HAMEED: In terms of payment, yes.
- MR. QUADRINO: Sure.
- 22 MR. HAMEED: In terms of following the

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68
    regulations, they have to --
              MR. QUADRINO: No. Sure. I understand.
 2
             MR. UNDELAND: All right. I'm going to ask
 3
    our speakers to tighten up on our remarks because we're
    short on time with the speakers, as well as our
    question answerers.
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 7
              Our next speaker is R. Taylor. Did we
    completely butcher your name? Our speaker after that
 8
    is David Perry, followed by Ann Darconte and Pat
10
    Taylor. Thank you.
11
              MR. PERRY: My name is David Perry and I'm a
   Board member of Barracks Row Main Street and a long-
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13
    time resident of the Hill. The question that I would
    like to ask relates to the consideration that will be
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15
    given to the projected construction cost, relative to
    the selection of the preferred alternative.
16
17
              Let me give you an illustration. Suppose
    when you do further engineering analysis of the
19
    runaround track on the north side of the existing
20
    tunnel versus the runaround track on the south side of
21
    the existing tunnel, and in the course of that
    analysis, it turns out that there would be many more
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- 1 adverse impacts by having the runaround track on the
- 2 south side, closer to the new housing on the south side
- 3 of Virginia Avenue.
- 4 Now, if you put it on the north side, many
- 5 fewer adverse impacts -- but let's just say for
- 6 purposes of argument that in order to maintain the
- 7 structural integrity of the freeway, you would have to
- 8 put in a 800 or 900-foot long slurry wall which would
- 9 cost millions, or potentially tens of millions of
- 10 dollars more than putting in the runaround track on the
- 11 south side freeway.
- When you're doing that assessment of one
- 13 alternative that has fewer negative impacts for the
- 14 community versus one that costs you guys considerably
- 15 more money, how does that trade off get made in the
- 16 course of selecting the preferred alternative?
- MR. HAMEED: Actually, that is one of the
- 18 standard cases that you do when you document. Cost is
- 19 one of the many factors considered. It's never the
- 20 only factor.
- So when we analyze cost, along with all the
- 22 impacts. So if the impact of that alternative, which

- 1 is the cheapest one, are much higher than the others,
- 2 that doesn't necessarily mean that the cheapest
- 3 alternative is going to get selected.
- 4 Typically, all the impacts are considered at
- 5 the same time. That's exactly why you do the NEPA
- 6 document because you see all the impacts together,
- 7 including the cost impacts, and then you weigh all of
- 8 them to make a decision.
- 9 In terms of cost, it is not the only driver.
- 10 It may be the expensive alternative that gets selected
- 11 because it had less impacts involved, and it can be the
- 12 other way around. But to answer your question, it is
- 13 one of the many factors, not the only factor.
- MR. PERRY: If I could just have one follow-
- 15 up, please? Just to go back to something you said
- 16 initially to all of us, this project is very, very
- 17 atypical in as much as it's not a public project with
- 18 public money.
- 19 You're not spending FHWA or DDOT money;
- 20 you're only sitting as judge and jury, but the private
- 21 party is going to be the one putting up the money.
- 22 Does that in and of itself have any impact on the

- 1 decision-making process that you make, presuming that
- 2 you are the ones who ultimately do make the call as to
- 3 which alternative becomes the preferred alternative?
- 4 MR. HAMEED: Like I said, we will make the
- 5 decision, considering all impacts, at least from our
- 6 perspective. I can tell you now, though, cost is not
- 7 going to be the only factor. If it's expensive, we'll
- 8 just have to work with CSX and get that to that level
- 9 because at the end of the day, they need approvals.
- 10 That's why you're here. And if we are not comfortable
- 11 with that decision, whether it's cheaper or expensive,
- 12 we are not going to approve that alternative or make
- 13 that decision.
- MR. UNDELAND: Our next speaker is Ann
- 15 Darconte, following Pat Taylor and Brent Johnson.
- 16 MR. TAYLOR: I know I don't look like Ann,
- 17 but I think my name was the one you couldn't read. My
- 18 name is Robert Krughoff. You and CSX has talked about
- 19 the hope of what exists afterwards, in terms of the
- 20 streetscape and the whole neighborhood, will actually
- 21 be better than what is there now.
- 22 I think back to what the Federal Highway

- 1 Administration and D.C. Government did with Garfield
- 2 Park when they just had to close off the ramp for a
- 3 little while, a very short while at 3rd Street, and
- 4 they did a lot to improve Garfield Park. They really
- 5 invested in Garfield Park, improving the tennis courts,
- 6 the basketball courts, volleyball, landscaping, et
- 7 cetera. That was relatively a small cost, relative to
- 8 the whole project, but a very big deal for the
- 9 neighborhood and I'm hoping that you're thinking about
- 10 things like that, which, again, I think a lot of great
- 11 things could be done with a relatively small
- 12 investment.
- 13 I'm wondering what kind of process you might
- 14 use to decide which of those things you should do, both
- 15 the city and CSX. I'm wondering what things should
- 16 have the highest priority.
- 17 I'm also worried about one other specific
- 18 thing. I've talked to neighbors who actually live on F
- 19 Street, down near New Jersey Avenue, and they're always
- 20 concerned about the sound of a horn from the train.
- 21 For them, it's an annoyance, but to me it's just a
- 22 beautiful and romantic sound, but one of the

- 1 suggestions has been to tunnel on beyond where the
- 2 train now comes up out of the ground between first and
- 3 2nd Street. The tunnel west of there, another seven
- 4 blocks or something, that would be quieter for the
- 5 neighbors. It would certainly provide, possibly, some
- 6 green space down south of Virginia Avenue now. I'm
- 7 just wondering if you might think about doing that, I
- 8 would think that would be relevant and less expensive
- 9 than some of the other things you're going to do. My
- 10 time is up. Thank you.
- 11 MR. HAMEED: Thank you. In terms of the
- 12 streetscape, we are not at that stage, but it is
- 13 definitely going to be part of the mitigations that is
- 14 going to come out. Part of the process is to look at
- 15 the impacts and then whatever the impacts are, propose
- 16 mitigations based on that.
- 17 Like I said in the beginning, at the bare
- 18 minimum, if one of the alternatives that you see here
- 19 in the first seven get selected. At the bare minimum,
- 20 CSX would have to put the streetscape back to its
- 21 existing condition. I know it's not in the greatest
- 22 shape in the world right now, but that will be the bare

1	minimum.
2	On top of that, there will be mitigations. I
3	cannot say what those mitigations or enhancements will
4	be at this time, but we will be developing them as we
5	move forward. I know at some point CSX had shared an
6	idea of what it would eventually look like. Again, we
7	are going through the process. That was something that
8	CSX has proposed. We will work with that with them to
9	make sure those mitigations and enhancements are to
10	occur. And when we meet next time, we will actually
11	have some better understanding of what those
12	alternatives and what the final product will look like.
13	We will not have all the answers in a month or two
14	months. We will be working with you and the agencies
15	and CSX to develop those.
16	Your second question about turning farther,
17	actually, we asked CSX to take a hard look at that, not
18	just on the western side, but also on the eastern side.
19	I believe that's Concept 8, where they're showing if

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20 the tunnel were to go farther, how far they would have

to go. I will let Phil actually answer that question

because he's working on the engineering side and he can

- 1 give you a detailed answer on how the tunnel would work
- 2 or not work.
- 3 MR. SHERIDAN: Phil Sheridan again. I think
- 4 you're asking a slightly different question. One of
- 5 the studies on Alternative 8 was to actually put a
- 6 deeper tunnel in. I think what you're asking is for us
- 7 to essentially extend the portion of the tunnel that's
- 8 covered, to the west, to possibly bring the tunnel so
- 9 that the portal is outside of the residential areas.
- 10 MR. KRUGHOFF: And to also create some green
- 11 space and other things down in that direction. It
- 12 wouldn't be much, but something.
- MR. SHERIDAN: Certainly, one of the
- 14 immediate constraints is the existing New Jersey Avenue
- 15 overpass over the railroads and the functions. You
- 16 move into what's called the New Jersey yard, and the
- 17 structure would have to become marketedly wider in that
- 18 area to accommodate the function that occur west of New
- 19 Jersey Avenue. So it's something that -- I don't know
- 20 how practical it would be, but we'll certainly take a
- 21 look at it as we advance the process.
- 22 MR. UNDELAND: The next speaker is Pat

- 1 Taylor, followed by Brent Johnson.
- 2 MR. KRUGHOFF: No. The real Ann should be
- 3 coming up now.
- 4 MS. DARCONTE: The real Ann Darconte has
- 5 stood up. I am a resident of Capitol Quarter. I
- 6 wanted to thank you all. I'm very pleased, frankly,
- 7 with the format that we have tonight. I think this is
- 8 much more reasonable and is working better for
- 9 everyone. I also wanted to say that looking at all the
- 10 different concepts, just like in life, we look at the
- 11 extremes when we make a decision and all of the things
- 12 that fall in between. I would say to you that some of
- 13 these extreme concepts. Some of them are much more
- 14 reasonable than others. I don't think I'm so naive to
- 15 think that when I built my house and moved in that they
- 16 were going to move the railroad anymore than they were
- 17 going to tear down the highway that separates north and
- 18 south.
- 19 So being reasonable, I'm going to tell you
- 20 that I would support Concept Number 5. Concept Number
- 21 5 is one where there is a second tunnel built. The
- 22 reason that I support that concept is because in modern

VA Ave. Environmental Assessment and Section 106 Public Meeting 11-30-2011

		77
1	day, with the kinds of materials that are available, it	
2	seems to me that a second tunnel could be built in a	
3	way that would reduce the vibrations and protect those	
4	closest to that tunnel. I also think from the	
5	standpoint of having two trains in a single tunnel at a	
6	particular time, I worry about the potential for an	
7	accident and how to evacuate that. So I like the fact	
8	that they're potentially two tunnels here.	
9	Third, I would say that it also seems to me	
10	in building Concept 5, rather than having to tear up	
11	the entire street at one time which is an	
12	inconvenience of people who live right there that it	
13	seems like it's a concept that says let's cut part and	
14	cover part and slowly move our way down the street,	
15	which I think would be much less problematic for the	
16	people who live there.	
17	With that said, I would also say, focusing on	
18	the positives here, I have a couple of questions. One	
19	is, is there a distinctive difference in the time it	
20	would take to build that second tunnel in Concept 5	
21	than it would be to expand the original tunnel and	
22	create two tunnels with the ditch that we talked about	

- 1 for so long? Would there be a significant time or
- 2 dollar difference in building it?
- 3 Second, would there be a significant noise
- 4 difference?
- 5 And lastly, I know we'll get to this when we
- 6 have a concept and we have specifics, but I'd like to
- 7 make sure that there's pest control involved in
- 8 anything that gets done for our neighborhood. Thank
- 9 you.
- 10 MR. HAMEED: Thank you. The answer to your
- 11 question about the cost and timing is that we are
- 12 working on those details. We do not have the answer,
- 13 but we will as we move forward. The first step is to
- 14 collect the data and come up with these concepts. The
- 15 next step is exactly what you were saying, getting
- 16 those details, the cost, the timing. So we will be
- 17 developing that soon and then we will share that with
- 18 the community.
- 19 MR. UNDELAND: All right. Pat Taylor and
- 20 then Brent Johnson.
- 21 MS. TAYLOR: I'm Pat Taylor and I live on
- 22 Capitol Hill. I want to urge DDOT to really push for

- 1 one of their rerouting alternatives, 9 or 10, to take
- 2 this line out of the District. The reason is -- and
- 3 you know this very well because we've worked together
- 4 on the Anacostia Bridge's planning project -- the
- 5 railroad line run from M Street, where it crosses the
- 6 river, an extension of M Street, and then it runs right
- 7 up along the Anacostia, on the east side of the
- 8 Anacostia. It divides a neighborhood and it kind of
- 9 creates a blighted area. If that railroad line could
- 10 be removed, there would be the potential for having a
- 11 much nicer neighborhood and for reuniting the east side
- 12 of that neighborhood with the west side still on that
- 13 side of the Anacostia. It would be a really big
- 14 improvement. I understand it's expensive, but it would
- 15 be very desirable.
- 16 MR. HAMEED: Thanks, Pat. It's good to see
- 17 you again. It's been many years. Actually, yes, in
- 18 that study we did look at some of those concepts.
- 19 Again, going back to some of the concepts that you have
- 20 here, one of the main reasons, again, I'm going to go
- 21 back to Concept 8, that's why we encouraged CSX to take
- 22 a real hard look of what it takes to have good access

- 1 to the waterfront to the community.
- 2 So we are analyzing that, but we also
- 3 understand, again, it all comes back to jurisdiction
- 4 and who owns what. So CSX still owns that part of the
- 5 property. So working with CSX, we will do our best to
- 6 come up with a solution to that. At this point, I
- 7 can't promise it will be the solution, but again, the
- 8 city, DDOT, would love to have more access to the
- 9 waterfront. We would love to have less separation
- 10 between the community and the waterfront and the parks,
- 11 but again, we have to work with our counterparts, CSX
- 12 to get to that solution. I don't know if by the end of
- 13 this process we will have that or not, but we, from our
- 14 perspective, are really pushing for that.
- 15 MR. UNDELAND: All right. We have one final
- 16 speaker, Brent Johnson.
- 17 MR. JOHNSON: Hi. My name is Brent Johnson.
- 18 I live at 312 I Street. I have two questions that can
- 19 hopefully be answered by somebody from CSX.
- 20 1) How plausible is it to do Concepts 2
- 21 through 7 in block chunks and whether that will speed
- 22 up the construction on that particular chunk?

- 1 2) Since I do live on that block, the 2 access to my garage goes right onto Virginia Avenue, so
- 3 the project would clearly end it as it is now. How
- 4 plausible is it for you to take the difference between
- 5 where you're going to end the project and where the
- 6 house begins and cut an alley to the street so I can
- 7 get to my garage? Thanks.
- 8 MR. HAMEED: Keith, Chip, or Steve, who wants
- 9 to answer. Introduce yourself first and what you do at
- 10 CSX.
- MR. GULLUCKSON: Good evening. I'm Chuck
- 12 Gulluckson with CSX. Yes, as part of the NEPA process,
- 13 we're certainly going to look at the construction phase
- 14 and see what can be done. It's certainly our desire to
- 15 lessen impacts on anybody in that area, for certain.
- 16 That's why we're here. We certainly are going to look
- 17 at that to see what can be done as far as that
- 18 construction stage and such.
- 19 Also, at the same time, as part of the
- 20 maintenance of traffic, looking at transit, looking at
- 21 access and emergency access, all those things are being
- 22 looked at and are going to be brought in through the

		83
1	CERTIFICATE OF NOTARY PUBLIC	
2	I, GERVEL A. WATTS, the officer before whom the	
3	foregoing deposition was taken, do hereby certify that	
4	the testimony that appears in the foregoing pages was	
5	recorded by me and thereafter reduced to typewriting	
6	under my direction; that said deposition is a true	
7	record of the proceedings; that I am neither counsel	
8	for, related to, nor employed by any of the parties to	
9	the action in which this deposition was taken; and	
10	further, that I am not a relative or employee of any	
11	counsel or attorney employed by the parties hereto, nor	
12	financially or otherwise interested in the outcome of	
13	this action.	
14		
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16		
17	GERVEL A. WATTS Notary Public in and for the	
18	District of Columbia	
19	My Commission expires: January 31, 2014	
20		
21		
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Public Alternative Meeting Virginia Avenue Tunnel Environmental Assessment Project Alternatives & Section 106 Evaluation

Washington, D.C. (November 30, 2011)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

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Please return your comment cards tonight or mail to the following address.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

You may also email your comments to contact@virginiaavenuetunnel.com .

Public Alternative Meeting Virginia Avenue Tunnel Environmental Assessment Project Alternatives & Section 106 Evaluation

Washington, D.C. (November 30, 2011)

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Public Alternative Meeting
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Project Alternatives & Section 106 Evaluation

Washington, D.C. (November 30, 2011)

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From:

Sent:

Wednesday, November 30, 2011 12:19 PM

To:

contact@virginiaavenuetunnel.com

Subject:

comment: temporary closure of Southeast Freeway/I295 ramp on 8th Street SE

Follow Up Flag: Flag Status:

Follow up Flagged

To: contact@virginiaavenuetunnel.com

A comment addressing temporary closure of the Southeast Freeway/I295 ramp on 8th Street SE: As alternatives are provided, please note that any detours should clearly direct drivers toward streets such as M Street SE or Pennsylvania Ave. SE. I am concerned that traffic may utilize the residential G Street SE between 3rd Street SE and Pennsylvania Ave., SE. Should traffic on G Street SE or other residential streets increase, I request that safety measures such as speed humps, clearly defined crosswalks and additional stop signs are installed. I currently cross G Street SE as a pedestrian/bicyclist commuter two times daily during the workweek. The residential streets are also populated by young children.

Thank you,

From:

Sent: To: Thursday, December 01, 2011 8:48 AM contact@virginiaavenuetunnel.com

Subject:

Question to response

Follow Up Flag: Flag Status:

Follow up Flagged

Hello,

Can you please provide more clarity to home values impacted by construction. As a realtor that has sold over ten homes in the new project Capitol Quarter a growing concern is on SHORT TERM values. Everyone understands the long term view of the community. However, life situations can force a person to move before eight years. We have seen an immediate impact from buyers shying away from the neighborhood because of the planned construction. Thus, if a home owner sells at a loss (due to construction) in the next eight years will CSX cover the difference?

How will the value of our homes be affected by construction of this project, both during and after construction? What will happen if an affected resident has to sell a home, and how will we be compensated for decreased home value?

A. Given that the community is in year 8 of a 25 year build out and this project enhances the existing tunnel, we do not anticipate any long term impacts to property values as a result of the Virginia Avenue Tunnel project.

Warmest Regards,

From:

Sent:

Thursday, December 01, 2011 10:41 AM contact@virginiaavenuetunnel.com

To: Cc:

Subject:

Options for Virginia Avenue Tunnel

Follow Up Flag: Flag Status:

Follow up Flagged

Hello,

My name is and I live at: in the Capitol Quarter townhomes. Thank you for a very informative public meeting last night. I would like to suggest another option, 5A if you will. Would it be possible to construct the second permanent tunnel on the north side of the current tunnel as opposed to the south side as currently proposed? This would move the tunnel further away from my neighbors' homes on Virginia Avenue and I believe would more effectively mitigate possible vibration impacts of the new tunnel on their homes.

Thank you in advance for considering this suggestion. With best regards,

Sent:

Friday, December 02, 2011 7:35 AM contact@virginiaavenuetunnel.com

To:

Cc:

Subject:

Recommendation

Follow Up Flag: Flag Status:

Follow up Flagged

Hello,

My name is and I live at ., directly facing Virginia Avenue. I have not written previously and have only one request/recommendation. I would like greater consideration to be given to the possibility of executing this project in phases, e.g., complete work from 2nd-6th Street first and then perform work on the rest of Virginia Ave. I believe this has also been referred to as the "zippered" approach.

This would minimize the amount of time that construction is taking place directly adjacent to people's homes. A major concern that many in the neighborhood have is the impact that this project may have on the value of our homes and the ability to sell our homes (if desired) over an extended two to three -year period. In other words, we can put up with a lot of things for six to eight months that we can not tolerate over two to three years.

Thank you for your serious consideration of this concern.

Regards,

Sent: To: Friday, December U2, 2U11 5:07 PM contact@virginiaavenuetunnel.com

Subject:

Horn blowing

Follow Up Flag: Flag Status:

Follow up Flagged

What regulation does CSX think requires it to blow horns upon entering the tunnel? 49 USC 20153 requires horns to sound at highway grade crossings of which there are none near the Virginia Avenue tunnel. Why does CSX believe it needs a waiver to stop the horn blowing?

Sent: To: Sunday, December 04, 2011 4:43 PM contact@virginiaavenuetunnel.com

Subject:

VAT Comment

Follow Up Flag:

Follow up

Flag Status:

Flagged

Concept 5, modified to shift the new northern tunnel (the one now shown with the same center-line of the existing tunnel) about 15 feet or so south, closer to the new southern tunnel.

This will provide more space directly alongside the elevated SE Freeway, thus facilitating its eventual reconstruction underground.

If the two new tunnels could share the same dividing wall, that should be explored as a further space saving measure.

Sent:

Tuesday, December 13, 2011 4:58 PM

To: Subject: contact@virginiaavenuetunnel.com Construction timing of the Tunnel

Follow Up Fiag:

Follow up

Flag Status:

Completed

Before alternatives are presented to be decided upon, it would be VERY useful if the time required for actual construction, were estimated and made public for the various concepts/proposals. This is important information for decision-making

Sent: To: Tuesday, December 20, 2011 9:35 AM contact@virginiaavenuetunnel.com

Subject:

Public Comments on Virginia Avenue CSX Tunnel

Follow Up Flag: Flag Status:

Follow up Flagged

To Whom It May Concern:

My concern is related to the increase in rail traffic through the nation's capital city as a result of the Virginia Avenue Tunnel expansion. Noise pollution from train horns — at all hours of the day and night — can be heard in Capitol Hill neighborhoods. Therefore, an expansion of the tunnel volume and not also a lengthening is of concern to cause increased noise pollution from trains.

I recently moved from a residence on the northeast side of Capitol Hill (near the senate office buildings) where train noise was significantly lessoned because of the tunnels that exist under the Capitol that enter and exit Union Station. However, I was surprised, upon relocating to a house on 13th and South Carolina Avenue in the southeast neighborhood, that train noise could be heard from all directions. The horn noise carries over the water from when the train is on the Anacostia Railroad Bridge and then again as the trains enter and exit the Virginia Avenue Tunnel. Therefore, a reduction in rail traffic is needed and or noise reduction measures and not an expansion.

The concepts that seemed more favorable to Capitol Hill residence would be either Concept 8 that would make the rail line completely underground or one of the rerouting concepts. I would stress, that all of the concepts need to include noise reduction measures that include bridges and tunnels. With all the latest technology available to CSX I don't understand while they still rely on train horns as their primary means to "communicate to the public" that a train is approaching. I would rather receive a text message!

Thank you,

Sent:

Thursday, December 22, 2011 11:20 AM contact@virginiaavenuetunnel.com Construction Procurement

To: Subject:

Follow Up Flag:

Follow up

Flag Status:

Flagged

Good Morning,

I would like to receive information about the procurement process for the reconstruction of the tunnel.

Thank you very much in advance.



921 Pennsylvania Ave., SE Suite 305 Washington, DC 20003 202.543.3344 FAX 202.543.3507

December 27, 2011

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SMD 10 Francis Campbell
SMD 11 Vacant

Mr. Joseph C. Lawson Division Administrator Federal Highway Administration 1990 K Street, NW, Suite 510 Washington, DC 20006-1103

Faisal Hameed, Chief Project Development, Environment & Sustainability Planning DC Department of Transportation 55 M Street, SE Washington, DC 20003

David Maloney, SHPO DC Historic Preservation Office 1100 4th Street, SE, Suite E650 Washington, DC 20024

RE: CSX VAT NEPA/Section 106 Public Meeting, November 30, 2011

Advisory Neighborhood Commission 6B wishes to thank the leadership of the CSX VAT NEPA/Section 106 Review for the content of and format used at its November 30, 2011, Public Concepts Meeting. The 11 conceptual options presented at the meeting for addressing the Purpose and Needs provided the community with information upon which to base constructive comments and questions during the hour devoted to Q&A. And, the format allowed all present to hear the concerns of others.

As the Commission said in its letter of November 8, 2011, construction during the Virginia Avenue Tunnel project will have a huge impact on transportation, economic development, and quality of life issues for many ANC 6B residents and businesses. We understand that, as the review process moves forward, the review team will be evaluating the 11 conceptual options to ascertain which will be retained for more thorough engineering study.

CSX VAT NEPA/Section 106 Public Meeting December 27, 2011 Page 2

The Commission requests that the following principles be among those selected to evaluate Options 2 through 7, which involve rebuilding the tunnel:

- Minimize transportation disruptions and risks.
 This includes the disruption of existing vehicle, pedestrian, bicycle, and other travel patterns in the area. Specifically, how does each "rebuild" option affect the use of Virginia Avenue, all north/south crossing streets and east/west local roadways in the vicinity, and existing SE/SW freeway on and off ramps. Consideration should also be given to the risks to vehicle and people movements during construction.
- 2. Minimize damage to homes and businesses.
 This is especially true for those situated close to the "limits of disruption" zone. And, includes but is not limited to those within the Capitol Hill Historic District. (The Commission is aware of damage that occurred to houses during the building of underground Metro lines using the "cut and cover" method.)
- Minimize Environmental Impacts.
 At this stage of evaluation, we understand that the myriad details of the Environmental Assessment cannot be employed but expect a general consideration of these impacts to be considered.
- Minimize the length of construction.
 Unless other factors suggest differently, the shortest construction period may be least disruptive to the community.

At the next public meeting, planned for February 2012, the Commission expects to learn the details of how these principles (and other criteria that may be applied) affect the reduction in number of Rebuild options and how the feasibility of the "No Action" and "Rerouting" options are evaluated.

And, as always, the Commission looks forward to learning about specific plans for returning Virginia Avenue, Virginia Avenue Park, and other areas disrupted during the construction--not <u>just</u> to their current status--but to enhanced condition, as a way of benefitting the community for its forbearance during construction.

Sincerely.

Neil Glick Chair, ANC 6B

CC: Steve Plano, Parsons Brinckerhoff

CSX VAT NEPA/Section 106 Public Meeting December 27, 2011 Page 3

> Stephen Flippin, Director of Federal Affairs, CSX C. Andrew Lewis, DC Historic Preservation Office Michael Hicks, Environment/Urban Engineer, DC Division, FHWA Tommy Wells, Councilmember, Ward 6 Kirsten Oldenburg, Commissioner 6B04, Chair, ANC 6B Transportation Committee

CAPITOL, HILL RESTORATION SOCIETY



P. O. Box 15264 Washington, D.C. 20003

January 18, 2012

Mr. Joseph C. Lawson, Division Administrator U.S. Department of Transportation Federal Highway Administration District of Columbia Division Office 1990 K Street, N.W., Suite 510 Washington, DC 20006-1103

Subject: Virginia Avenue Tunnel

Dear Mr. Lawson:

The Capitol Hill Restoration Society (CHRS) hereby provides preliminary comments set forth below on the concepts presented at the November 30, 2011 meeting. Please keep in mind that because these preliminary comments are provided at this early stage in the NEPA, Section 106, and Section 4(f) processes, CHRS reserves the right to change these comments and views in the future as additional information becomes available and/or as additional concerns are brought to our attention. Our preliminary comments follow, with these reservations:

- 1. Our primary concern remains the effects of the project on the well-being of the residents and businesses in the project area, and the potential effects on the Capitol Hill Historic District and other historic properties. Please see our scoping comments dated October 13, 2011, for details.
- 2. At this stage, there are no comparative costs for any of the concepts, and only out-of-date costs for Concepts 9-10. For this reason, these comments do not take costs into consideration.
- 3. At this stage, there are no engineering studies on noise and vibration during construction and post-construction (promised at the November 30 meeting), nor are any of the other studies described in the FAQ available. Nor are there estimates of the construction time for the various concepts. For these reasons, CHRS's comments may change greatly after results of these studies are made available. We understand that these studies will be conducted after some of the concepts are de-selected in February or March 2012.

Preliminary comments

Concept 1: No action. Do not rebuild the tunnel and continue to utilize it for freight movement. We are not clear whether "No action" simply means no action in the VAT area only – but possibly in other areas as shown in Concepts 9 and 10 – or means no action anywhere at all. While CHRS would prefer to see no construction-related upheaval in the project area and no damage to or demolition of the historic VAT, we understand the need to move freight more effectively and efficiently. We look forward to CSX's completed Purpose and Need Statement for a better understanding of the needs this proposed project is intended to meet. We have been told that the project could be successfully undertaken with minimal adverse effects, as described in Concepts 2 through 11, and look forward to more information about how this could take place. For these and other reasons, we feel it would be premature for CHRS to call for "No action" at this time.

<u>Concept 2: Rebuild. Rebuild the tunnel. Temporarily route trains in a below-ground trench south of the current tunnel.</u> This concept places excavation and rail traffic closer to residences and businesses than Concept 3.

Concept 3: Rebuild. Rebuild the tunnel. Temporarily route trains in a below-ground trench north of the current tunnel. This concept places excavation and rail traffic closer to the SE Freeway and further away from residences and businesses. For this reason, it appears preferable to Concept 2. However, it is unknown whether this concept is feasible, depending on its effects on the freeway and its structural integrity.

Concept 4: Rebuild. Rebuild the tunnel. Temporarily route trains in a below-ground trench that alternates north or south of the current tunnel based on freeway obstructions. As CSX representatives stated at the December 9 CHRS membership forum, this concept raises "operational challenges" and would make the project take longer to complete. As with Concept 2, having any or all of the run-around track on the south side of the VAT is less preferable.

Concept 5: Rebuild. Build two permanent single-track double-stack tunnels. We understand that with this concept it may be possible to retain parts of the eight-foot-thick wall of the existing tunnel. CSX may need additional right-of-way for Concept 5. This raises some of the same concerns as Concept 2, though we understand it would eliminate the need to have a run-around track operating in an open trench during construction.

Concept 6: Rebuild. Reconstruct the tunnel while concurrently using the tunnel for freight traffic. This concept was described as renovating your house while living in it. This concept has no runaround track. Concept 6 may be less disruptive than Concepts 2 through 5. This concept might take longer to complete because it would require very complex staging and phasing. [We understand this concept requires removing and excavating the top of the tunnel, and thus an open trench over Virginia Avenue and disruption of the intersections crossing Virginia Avenue for a longer period of time.]

Concept 7A: Rebuild. Rebuild the tunnel. During construction reroute trains through Union Station. At the December 9 CHRS membership forum, CSX representatives said that there are many operational issues with Concept 7A, including capacity and equipment compatibility. They also stated that in the past CSX has occasionally routed one or two trains per day through Union Station. We understand that 30-40 trains per day currently use the VAT. Future freight volume is hard to predict, but we understand that CSX expects volume to increase. Concept 7A has the advantage of eliminating need for a run-around track on Virginia Avenue.

Concept 7B: Rebuild. Rebuild the tunnel. During construction reroute trains outside the District on existing rail lines. Concept 7B has the advantage of eliminating need for a run-around track on Virginia Avenue.

Concepts 2 through 7 would all require an open trench on Virginia Avenue. Some intersections would need to be closed during certain periods (for days, if not weeks, according to CSX representatives). Crossings would be installed at the numbered street intersections. The ramps to the SE freeway may be also closed for short time periods. Concepts 2 through 7 are all are less preferable for these reasons.

Concept 8: Reroute. Build a freight railroad tunnel under the existing tunnel. A new tunnel would be constructed approximately 80 feet underneath the existing tunnel. The new tunnel would run from Reagan National Airport to the Deanwood Metro Station. The current tunnel would be retained and maintained, and would be used to serve shippers within the District of Columbia. Concept 8 might minimize effects on residents, businesses, and buildings, and if so, would be preferable to Concepts 2 through 7.

Concept 9: Reroute. Establish a new railroad route using the NCPC's "Indian Head Alignment." This concept is appealing but may be uneconomical. Because there is no cost data on the other concepts, it is not possible to compare relative costs and feasibility at this time.

Concept 10: Reroute. Establish a new railroad route using the NCPC's "Dahlgren Alignment." This concept too is appealing but may be uneconomical. Since there is no cost data on the other concepts, it is not possible to compare relative costs and feasibility at this time.

Concept 11: Reroute. Reroute trains to other rail corridors or freight traffic to trucks. This concept is probably not feasible, as increasing truck traffic appears likely to be detrimental to the environment because additional trucks would require more fuel and produce more emissions. Trucks might also be uneconomical as well, though we have no cost projections at this time.

During consideration, analysis, and narrowing of project alternatives, it will be important when weighing options that would alter, damage, or demolish the existing VAT to take into account its historic nature. While it may be premature to raise mitigation issues, it is not premature to consider options that would avoid or minimize alteration, damage, or

destruction. Whatever decision is ultimately made regarding the VAT, CSX should consider the importance of fully documenting this historic structure to HABS/HAER standards (if it has not already done so) so there will be a record of its construction, engineering, and history. If such documentation already exists, we urge CSX to share it with the community as soon as possible so we can better evaluate options and their possible effects on the VAT.

CHRS remains concerned about all the issues raised in our scoping comments, and we incorporate our scoping comments into this document by reference.

We also offer the following additional comments:

<u>Minimizing noise and vibration</u>: In connection with all the build alternatives, we understand that there are types of rail bed and track designed to minimize noise and vibration. If a build alternative is approved, we request additional information and an evaluation of these technologies.

<u>Marine Annex</u>: We understand that the fences around the playing fields may need to be moved during tunnel construction. This would affect the Marines and community members (including children) who use the field.

Coordination with other projects: We understand it is possible that work on the Virginia Avenue Tunnel may begin before all the work on the 11th Street Bridges is completed. We encourage CSX, DDOT, and the other involved agencies to work together to ensure that the two projects are coordinated. We also encourage ongoing coordination with DC WASA on its tunnel project, as well as with the South Capitol Street project and other projects mentioned in CHRS's scoping comments, including the Maryland Avenue Small Area Plan, the draft of which was released on December 16 by the city's Office of Planning.

Sincerely,

Elizabeth Purcell President

Cc: David Maloney, DC State Historic Preservation Officer
C. Andrew Lewis, Senior Preservation Specialist, DC Historic Preservation Office
Reid Nelson, Director, Office of Federal Agency Programs, ACHP
Carol Legard, FHWA Liaison, ACHP
Michael Hicks, Environmental/Urban Engineer, FHWA
Faisal Hameed, Chief, Project Development, Environment and Sustainability
Planning, DC Department of Transportation
Shane L. Dettman, Acting Director, Urban Design and Plan Review, NCPC
Steve Whitesell, Regional Director, National Capital Region, NPS

Thomas Luebke, Secretary, Commission of Fine Arts Chip Dobson, Director of Strategic Infrastructure Initiatives, CSX Stephen Flippin, Director of Federal Affairs, CSX Steve Plano, Parsons Brinckerhoff

Sent:

Wednesday, January 25, 2012 5:05 PM contact@virginjaavenuetunnel.com

To: Cc:

Subject:

Comments Regarding Virginia Avenue Tunnel

Follow Up Flag:

Follow up Flagged

Flag Status:

RE: Comments on Virginia Avenue Tunnel Project Concepts

I live with my wife and two young daughters in the Capital Quarter development. Our concern with the Virginia Avenue Tunnel Project is safety and noise. Not much detail has been released about what an open trench construction would look like and how it might impact our ability to live, work, and play in our neighborhood. Many of the neighborhood's resources for children (playgrounds, community centers, activities) lie north of the freeway. My family and I cross over Virginia Avenue by foot and car several times a day. The idea of large trains running through an open air trench is obviously disconcerting. Not only are we concerned about the safety of our family crossing over a construction zone with open air train tracks daily, but we are also concerned about the amount of noise pollution these projects would create for all the homes that are built within a stone's throw of Virginia Avenue. The lack of details about how long the trains would running through these trenches also gives us pause.

Until we see more detailed plans about the impact of an open-air trench, we support options #9-11 that would re-route the trains outside of Washington D.C. The neighborhood does not seem to have much to gain by the reconstruction of the tunnel.

Best,

Capitol Quarter Homeowners' Association

January 25, 2012

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on Virginia Avenue Tunnel Project Concepts

The Capitol Quarter Home Owners Association Board of Directors (HOA) submits this letter on behalf of the residents of Capitol Quarter to address the concept alternatives presented for the Virginia Avenue Tunnel project on November 30, 2011. Individual residents of the community may also provide their own comments on the concepts.

I. The Capitol Quarter Community

As you are aware, the Capitol Quarter and Capper communities encompass the area bound by Virginia Avenue SE to the north, 6th St., SE to the east, 3rd St., SE to the west, and M St., SE to the south. There are more than 485 housing units, most of which have multiple residents. Capitol Quarter consists of 323 units. The 161 units in Phase I were completed and occupied by August 2010. The second phase of an additional 162 units is largely either sold or occupied and its residents should be completely moved in by the end of 2012.

Capitol Quarter is a new community being re-built on the previous site of the Arthur Capper/Carrollsburg Housing Project as part of the Federal HUD Hope VI program. Capitol Quarter homes include affordable apartments for rent through the DC Housing Authority, affordable workforce homes and market-rate townhomes for purchase. Capitol Quarter is an economically and racially diverse community with ages ranging from newborns to elderly residents. Please note that the 2010 census is not an accurate source of demographic information about Capitol Quarter because the census was completed in April 2010 before a large number of the residents moved into their homes.

II. Concepts We Support

The Capitol Quarter HOA strongly believes that the concepts that involve either no action regarding the tunnel or rerouting outside DC should be chosen for the next phase of the NEPA review. Thus, we support concept #1 (no action), #9 (reroute outside DC using National Capital Planning Commission (NCPC) Indian Head Alignment), #10 (reroute outside DC using NCPC Dahlgren Alignment),

and #11 (reroute outside DC using existing railroads and/or trucks), as identified in the CSX November 30, 2011 presentation (CSX presentation). Absent the presentation of other rerouting concepts, these concepts should be the only concepts considered going forward for several reasons. First and most importantly, the other options are likely to pose extreme health, safety, traffic, and construction concerns, including those concerns identified in the HOA's earlier filing (publidy accessible at http://www.ancnorm.org/wp-content/uploads/2011/11/CSX-Capitol-Quarters-Letter-14Oct2011.pdf). Second, there may be existing precedent for either no action or rerouting as evidenced by CSX's plan not to rebuild the Baltimore Howard Avenue tunnel. Finally, it is not clear that the rerouting concepts presented here are the only possible rerouting options, and given the severity of the consequences of the actionable proposals that do not involve rerouting, we urge the relevant agencies and CSX to re-examine the possibilities for alternative routes.

A. Health, Safety, and Construction Concerns Demand No Action or Rerouting

The Capitol Quarter HOA's earlier filing details the many concerns that we have regarding the potential reconstruction of the Virginia Avenue Tunnel, and we incorporate all of those statements and questions into this submission by reference.

For instance, in our earlier filing, we asked questions and expressed concerns about a variety of issues, such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, impacts to the existing treescape, water quality impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, the impact on residents' ability to sleep or reasonably inhabit their homes during construction, and whether CSX has a valid right of way to complete the proposed construction, to highlight several of the issues posed by the options that do not involve rerouting. The concerns identified above do not address all potential consequences of the proposed project, including any impact that may result from allowing double-stacked trains to run much closer to our homes. The resulting tunnel could present a greater likelihood of injury or damage due to much greater train traffic than was anticipated when the homes and surrounding buildings and roads were constructed.

In sum, the questions we raised and the potential impacts from expanding the Virginia Avenue Tunnel warrant the choosing of the no action or one of the rerouting concepts.

B. <u>Precedent for No Action on Tunnels</u>

In addition to the issues raised from all of the health, safety, traffic, and construction concerns, we also believe there should be an examination of existing precedent regarding CSX tunnels that may warrant choosing one of the no action or rerouting concepts. It is our understanding, based on the

National Gateway Project website and press reports, that CSX is excluding the Baltimore, Maryland Howard Street Tunnel from the National Gateway Project. Like the Virginia Avenue Tunnel, the Howard Street Tunnel cannot accommodate double-stacked railcars. CSX's existing Baltimore marine facility is north of the Howard Street Tunnel. In order to unload the containers onto double-stacked railcars from ships north of Baltimore and move them south through Washington, DC, CSX must replace or expand the Howard Street Tunnel, in a manner similar to that proposed for the Virginia Avenue Tunnel. ¹

CSX, however, has no plans to replace or expand the Howard Street Tunnel. Instead, they have decided to move their marine facility to the south side of Baltimore in order to avoid tunnel reconstruction. Thus, even if reconstruction of the Virginia Avenue Tunnel were to be completed as contemplated, there may still be a section of the Northeast CSX tracks that will not be able to accommodate double stacked cars.

We request an examination as to whether the reasons behind CSX's decision to not reconstruct the Howard Street Tunnel also would warrant no action on the Virginia Avenue Tunnel. We also request an examination as to whether the rerouting and train load consequences as a result of the decision not to renovate the Howard Street Tunnel outweigh the purported benefits to transportation and industry that CSX claims will result because of the Virginia Avenue Tunnel reconstruction.²

C. All Rerouting Options Should be Fully Explored

Finally, we urge that all rerouting alternatives be fully considered as part of the concepts. CSX currently reroutes trains carrying hazardous material outside of the District and not through the Virginia Avenue Tunnel. When asked at various public fora whether the rerouting option used for hazardous materials is as lengthy as those presented in concepts 9, 10, and 11, CSX has refused to answer, citing the need for security.

While we recognize that confidentiality may be required for certain security reasons, we urge that CSX provide government decisionmakers with all possible rerouting options during the NEPA process (even if the details cannot be made available to the general public) and that those options be considered as concepts for rerouting around the Virginia Avenue Tunnel. It is possible that the rerouting option CSX uses for hazardous material could be much shorter than those presented as concepts here. If so, then that would change the cost/benefit analysis and make an even stronger argument for

See http://www.mdot.maryland.gov/Planning/ICTF/Home.html.

Additionally, it is worth noting the danger of an urban rail tunnel, including the significant economic harm to residents and the community that has occurred as a result of accidents within the Howard Street Tunnel. For instance, a 2001 derailment resulted in the evacuation of nearby buildings and the cancellation of baseball games at Camden Yards. CSX also had to pay Baltimore approximately \$2 million for fire-fighting costs due to the accident. See http://en.wikipedia.org/wiki/Howard Street Tunnel fire. An increase in rail traffic, as proposed for the Virginia Avenue Tunnel, could have more dire consequences given the potential for a crash involving more railcars and the proximity to the U.S. Capitol.

choosing a rerouting alternative over a rebuilding one. The severity of the impact of the proposed tunnel alterations on the surrounding community necessitates the presentation of all information and viable options to the decisionmakers. Without a description of alternative routes, including those already in use, it is not clear that anyone will be making a fully-informed decision.

III. Concepts We Oppose

The Capitol Quarter HOA strongly opposes several of the proposed concepts. We are opposed to options 2 (rebuild the Virginia Avenue Tunnel with a temporary track to the south), 3 (rebuild the Virginia Avenue Tunnel with a temporary track to the north), 4 (rebuild Virginia Avenue Tunnel with a serpentine temporary track), 5 (rebuild Virginia Avenue Tunnel with a second permanent tunnel), and 6 (rebuild Virginia Avenue Tunnel within the current tunnel) and urge that they be removed from further consideration during the NEPA process. Concepts 2, 3, 4, and 6 involve open trench construction with trains continuing to run within feet from our homes. For all of the reasons cited above and in our previous filing, we believe these alternatives present tremendous public safety issues.³ In the case of concept 5, this concept also contemplates open trench construction, it places a permanent tunnel with increased amounts of train traffic in close proximity to our homes, and there has been no demonstration that the current right-of-way would support this concept.⁴

IV. Conclusion

In conclusion, the Capitol Quarter HOA strongly believes that the only concepts that should warrant further consideration are those that involve either no action or rerouting (concepts 1, 9, 10, and 11). We urge that options 2, 3, 4, 5, and 6 be removed from consideration due to the many safety and health issues that are unlikely to be adequately addressed.⁵

In addition to the concerns previously noted, we are also opposed to concepts including temporary tracks because the use of temporary tracks will undoubtedly increase the amount of time needed for construction and will increase the size of the construction footprint, further exacerbating the concerns previously expressed.

⁴ We currently do not express an opinion on the remaining options not discussed in this comment, Concepts #7A, 7B, and 8. We strongly believe that only the no action or rerouting concepts should be included in the next phase of NEPA review and there is not enough information about potential impacts during and after construction to express an option on these three concepts. As noted above, however, we believe that under no circumstances should the concepts that involve temporary tracks or open trenches during construction or the creation of a new permanent tunnel be considered.

Finally, we urge that increased attention be placed during this NEPA process on transparency and availability for public input. It was not clear from the November 30 public meeting that there was a 30-day deadline for public comment on the concepts (and a deadline is still not noted on the website calendar on the schedule page). Future periods for public comment should be clearly and conspicuously noted on the website, transmitted through the local media (including neighborhood blogs), and provided by email and other means to those who have signed up to receive notifications on the project and who have submitted comments previously. We express our thanks in advance for consideration of this request.

We appredate your	consideration of ou	ir comments and lo	ook forward to	working with you
further during this process.				

Sincerely,

The Capitol Quarter HOA Board of Directors⁶

CC:

Delegate Eleanor Holmes Norton

Mayor Vincent Gray

Councilmember Tommy Wells

Deputy Mayor Victor Hoskins

David Garber, ANC 6D07

Jamie Henson, DDOT

Mike Hicks, FHA

Faisal Hameed, DDOT

DC City Council

⁶ HOA Director Bruce Darconte is recused and did not participate in this filing.

Sent: To: Friday, January 27, 2012 2:08 PM contact@virginiaavenuetunnel.com

Subject:

Comment on VA Ave Tunnel Project from Concerned Family

Follow Up Flag: Flag Status:

Follow up Flagged

As Virginia Ave residents of the Capitol Quarter community and parents of a 2-year old son, we are writing to register our opposition to any Virginia Avenue tunnel concept that involves open trench construction or in any way expands the current footprint of the tunnel. The acute impact of trains running through open trenches steps away from our house and the long-term impact of heavier freight rail traffic present far too great of a risk to the health, safety, and general well-being of my family and this vibrant community.

As such, I concur with the Capitol Quarter HOA that the concepts that involve either no action regarding the tunnel or rerouting outside DC should be chosen for the next phase of the NEPA review. My family and I strongly support any of the following options: concept #1 (no action), #9 (reroute outside DC using National Capital Planning Commission (NCPC) Indian Head Alignment), #10 (reroute outside DC using NCPC Dahlgren Alignment), and #11 (reroute outside DC using existing railroads and/or trucks), as identified in the CSX November 30, 2011 presentation (CSX presentation). The other options are likely to pose extreme health, safety, traffic, and construction concerns, including those concerns identified in our HOA's earlier filing (publicly accessible at http://www.ancnorm.org/wp-content/uploads/2011/11/CSX-Capitol-Quarters-Letter-14Oct2011.pdf). It is not clear that the rerouting concepts presented here are the only possible rerouting options, and given the severity of the consequences of the actionable proposals that do not involve rerouting, my family and I strongly urge the relevant agencies and CSX to re-examine the possibilities for alternative routes.

We also concur with the HOA's earlier filing that outline the concerns regarding construction and post-construction related issues. As an example, our HOA's previous filing discussed questions and concerns about air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, the impact on residents' ability to sleep or reasonably inhabit their homes during construction, and whether CSX has a valid right of way to complete the proposed construction, to highlight several of the issues posed by the options that do not involve rerouting. These reflect just some of the concerns that my family and I have and do not include the items such as whether the surrounding infrastructure is capable of handling the impact of double-stacked trains and/or higher train traffic.

My family and I respectfully request that all rerouting alternatives be fully considered as part of the concepts. CSX currently reroutes trains carrying hazardous material outside of the District and not through the Virginia Avenue Tunnel. When asked at various public fora whether the rerouting option used for hazardous materials is as lengthy as those presented in concepts 9, 10, and 11, CSX has refused to answer, citing the need for security.

While the need for confidentiality may be required for certain security reasons, we request that CSX provide government decision-makers with all possible rerouting options during the NEPA process (even if the details cannot be made available to the general public), and that those options be considered as concepts for rerouting around the Virginia Avenue Tunnel. It is possible that the rerouting option CSX uses for hazardous material

could be much shorter than those presented as concepts here. If so, then that may change the cost/benefit analysis and make an even stronger argument for choosing a rerouting alternative over a rebuilding one. The severity of the impact of the proposed tunnel alterations on the surrounding community necessitates the presentation of all information and viable options to the decision-makers. Without a description of alternative routes, including those already in use, it is not clear that anyone will be making a fully-informed decision.

Along with the Capitol Quarter HOA, my family and I strongly oppose several of the proposed concepts. We are opposed to options 2 (rebuild the Virginia Avenue Tunnel with a temporary track to the south), 3 (rebuild the Virginia Avenue Tunnel with a temporary track to the north), 4 (rebuild Virginia Avenue Tunnel with a serpentine temporary track), 5 (rebuild Virginia Avenue Tunnel with a second permanent tunnel), and 6 (rebuild Virginia Avenue Tunnel within the current tunnel) and request that they be removed from further consideration during the NEPA process. Concepts 2, 3, 4, and 6 involve open trench construction with trains continuing to run within feet from our homes, creating intolerable risks that no parent wants a child exposed to. For all of the reasons cited above and our HOA's previous filing, my family and I believe these alternatives present tremendous public safety issues. In the case of concept 5, a concept that also contemplates open trench construction, it places a permanent tunnel with increased amounts of train traffic in close proximity to our home, and it is not apparent that the current right-of-way would support this concept.

In conclusion, my family strongly believes that the only concepts that should warrant further consideration are those that involve either no action or rerouting (concepts 1, 9, 10, and 11). We urge that options 2, 3, 4, 5, and 6 be removed from consideration due to the many safety and health issues that are unlikely to be adequately addressed. We also strongly request that CSX, Parsons Brinckerhoff, and all other parties involved approach this process with the utmost transparency and honesty in order to ensure a good faith effort in meeting the needs and addressing the concerns of all stakeholders, especially those of us whose lives will be severely impacted during and after construction.

My family and I sincerely appreciate your consideration of our comments and look forward to working with you further during this process.

Sincerely,

Sent:

Friday, January 27, 2012 4:45 PM contact@virginiaavenuetunnel.com

To: Cc:

Subject:

Fwd: [CapitolQuarterResidents] Final HOA comment on CSX scoping concepts

Parsons Brinckerhoof-

My wife and I fully endorse and submit the concerns and positions addressed in the attached letter of the Capitol Quarter HOA. Thank you.

----- Forwarded message -----

From:

Date: Wed, Jan 25, 2012 at 2:10 PM

Subject: [CapitolQuarterResidents] Final HOA comment on CSX scoping concepts

To: capitol-quarter@googlegroups.com

The HOA Board has now submitted its comment on the Virginia Avenue Tunnel scoping concepts. Attached is the final PDF version submitted, as well as a version in Word in case you wish to use the HOA's comments to inform your personal submission. Remember that there is a January 30 deadline for comments, and we encourage all residents to submit their own views as well. Theoharis Management will shortly be sending out the comment via the official list as well.

Thanks, and please let us know if you have questions.

Sent:

Monday, January 30, 2012 4:55 PM

To:

contact@virginiaavenuetunnel.com: Michael Hicks@dot.gov; Hameed, Faisal (DDOT);

dccouncilmembers@dccouncil.us;

Subject: Attachments: comment on CSX concepts for the Virginia Ave Tunnel

Capitol Quarter HOA comment VAT scoping concepts.pdf

All,

As a resident of Capitol Quarter and homeowner of a townhouse that is on:

, I want to register my wholehearted support for the comment letter that you received from the Homeowners Association for Capitol Quarter (attached as a pdf file.) I am a major stakeholder in what happens with this proposed project and want to make it clear that this neighborhood will not support any concepts that threaten our safety, security, investment in our property and loss of the quality and enjoyment of our homes. We strongly reject any proposed concept that will destroy Virginia Avenue and the property contiguous to our homes. We strongly reject any possible concept that would have trains running in a trench while construction is underway in the tunnel. We encourage further assessment of rerouting opportunities and hope that CSX will take these comments very seriously. It is time to reroute freight out of the heart of the District of Columbia.

Sincerely,

Sent:

Monday, January 30, 2012 5:35 PM

To:

contact@virginiaavenuetunnel.com; michael.hicks; saadat.khan@dc.gov

Subject: Attachments: Comments on Virginia Ave Tunnel Project Concepts Comments on Virginia Ave Concepts 1 30 12.docx

Dear Parsons Brinckerhoff, Mr. Hicks, and Mr. Khan,

Please find below, and attached as a word document, my comments on the Virginia Ave Tunnel Project Concepts Alternatives presented at the November 30, 2011 public meeting. Thank you,

January 30, 2012

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on Virginia Avenue Tunnel Project Concepts

The letter below contains my comments to address the concept alternatives presented for the Virginia Avenue Tunnel project on November 30, 2011. I am a resident along the and would be most immediately impacted by this project. My primary concern is the well-being of the residents potentially impacted by this project.

I. Concepts I Support

I strongly believe that the concepts that involve either no action, permanent re-routing, or temporary rerouting during construction should be chosen for the next phase of the NEPA review. I support concept #1 (no action), #9 (reroute outside DC using National Capital Planning Commission (NCPC) Indian Head Alignment), #10 (reroute outside DC using NCPC Dahlgren Alignment), #11 (reroute outside DC using existing railroads and/or trucks), and concepts #7A and #7B (temporary re-routing during reconstruction) as identified in the CSX November 30, 2011 presentation.

These concepts have the potential for being acceptable solutions depending on the way in which health, safety, and environmental construction issues are mitigated. These concepts remove the dangerous health, safety, and environmental impacts that will occur if a second temporary track is built and trains run in open trenches—both which are unacceptable. In addition, the re-routing of trains during construction provides an extra incentive for CSX to finish the construction as quickly as possible.

II. Concepts I Oppose

Under no circumstances should the concepts that involve temporary tracks or open trenches during construction or the creation of a new permanent tunnel be considered. I strongly opposes options #2 (rebuild the Virginia Avenue Tunnel with a temporary track to the south), #3 (rebuild the Virginia Avenue Tunnel with a temporary track to the north), #4 (rebuild Virginia Avenue Tunnel with a serpentine temporary track), #5

(rebuild Virginia Avenue Tunnel with a second permanent tunnel), and #6 (rebuild Virginia Avenue Tunnel within the current tunnel) and urge that they be removed from further consideration during the NEPA process. Concepts #2, #3, #4, and #6 involve open trench construction with trains continuing to run within feet from my home and my neighbor's home.

Temporary tracks or open trenches during construction or the creation of a new permanent tunnel are likely to pose extreme health, safety, environmental, traffic, and construction concerns, including those concerns identified in the Capitol Quarter HOA's earlier filing (publicly accessible at http://www.ancnorm.org/wp-content/uploads/2011/11/CSX-Capitol-Quarters-Letter-14Oct2011.pdf). For all of the reasons cited above and in the previous filing, I believe these alternatives present tremendous environmental and public safety issues.

In the case of concept #5, this concept also contemplates open trench construction and places a permanent tunnel closer to homes. This will result in increased amounts of train traffic in even closer proximity to our homes, which I do not support. This turns the issues during construction into also a permanent issues of dealing with health, safety, and environmental issues of t permanent train closer to our homes. Plus this gives CSX additional right-of-way within the public space, which I oppose.

In addition to the concerns previously noted, I also oppose building temporary tracks because the use of temporary tracks will undoubtedly increase the amount of time needed for construction and will increase the size of the construction footprint, further exacerbating the concerns previously expressed.

III. Health, Safety, and Construction Concerns Demand No Action or Rerouting
The Capitol Quarter HOA's earlier filing details the many concerns regarding the potential reconstruction of
the Virginia Avenue Tunnel, and I incorporate all of those statements and questions into this submission by
reference and request they receive answers based on the concepts selected for the next phase of review
under NEPA.

For instance, in the earlier HOA filing, it asked questions and expressed concerns about a variety of issues, such as noise impacts, the impact and encroachment on private property and public space, the impact on residents' ability to sleep or reasonably inhabit their homes during construction, air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), impacts to the existing trees and streetscape, water quality impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, and whether CSX has a valid right of way to complete the proposed construction to highlight several of the issues posed by the options that do not involve rerouting.

The issues listed above will be much less of an impact if no action, permanent re-routing, or temporary re-routing is selected.

IV. Precedent for No Action on Tunnels

In addition to the issues raised from all of the health, safety, construction, and environmental concerns, I also believe there should be an examination of existing precedent regarding CSX tunnels that may warrant choosing a no action or re-routing concept. It is my understanding, based on the National Gateway Project website and press reports, that CSX is excluding the Baltimore, Maryland Howard Street Tunnel from the National Gateway Project. Like the Virginia Avenue Tunnel, the Howard Street Tunnel cannot accommodate double-stacked railcars. CSX's existing Baltimore marine facility is north of the Howard Street Tunnel. In order

to unload the containers onto double-stacked railcars from ships north of Baltimore and move them south through Washington, DC, CSX must replace or expand the Howard Street Tunnel, in a manner similar to that proposed for the Virginia Avenue Tunnel.

CSX, however, has no plans to replace or expand the Howard Street Tunnel. Instead, they have decided to move their marine facility to the south side of Baltimore in order to avoid tunnel reconstruction. Thus, even if reconstruction of the Virginia Avenue Tunnel were to be completed as contemplated, there may still be a section of the Northeast CSX tracks that will not be able to accommodate double stacked cars. There may be existing precedent for either no action or re-routing as evidenced by CSX's plan not to rebuild the Baltimore Howard Avenue tunnel. It is not clear that the re-routing concepts presented here are the only possible rerouting options, and given the severity of the consequences of the actionable proposals that do not involve rerouting, we urge the relevant agencies and CSX to re-examine the possibilities for alternative routes.

I request an examination as to whether the reasons behind CSX's decision to not reconstruct the Howard Street Tunnel also would warrant no action on the Virginia Avenue Tunnel. I also request an examination as to whether the rerouting and train load consequences as a result of the decision not to renovate the Howard Street Tunnel outweigh the purported benefits to transportation and industry that CSX claims will result because of the Virginia Avenue Tunnel reconstruction. I request that this information be made available to the public.

Additionally, it is worth noting the danger of an urban rail tunnel, including the significant economic harm to residents and the community that has occurred as a result of accidents within the Howard Street Tunnel. For instance, a 2001 derailment resulted in the evacuation of nearby buildings and the cancellation of baseball games at Camden Yards. CSX also had to pay Baltimore approximately \$2 million for fire-fighting costs. See http://en.wikipedia.org/wiki/Howard Street Tunnel fire. An increase in rail traffic, as proposed for the Virginia Avenue Tunnel, could have more dire consequences given the potential for a crash involving more railcars and the proximity to the U.S. Capitol.

V. All Rerouting Options Should be Fully Explored

I urge that all rerouting alternatives be fully considered as part of the next phase of NEPA concepts. CSX currently reroutes trains carrying hazardous material outside of the District and not through the Virginia Avenue Tunnel. When asked at various public meetings if the rerouting option used for hazardous materials is as lengthy as those presented in concepts 9, 10, and 11, CSX has refused to answer, citing the need for security.

While we recognize that confidentiality may be required for certain security reasons, I urge that CSX provide government decision-makers with all possible re-routing options during the NEPA process (even if the details cannot be made available to the general public) and that those options be considered as concepts for rerouting around the Virginia Avenue Tunnel either for permanent or temporary re-routing options. It is possible that the re-routing option CSX uses for hazardous material could be much shorter than those presented as concepts here. If so, then that would change the cost/benefit analysis and make an even stronger argument for choosing a re-routing alternative over a re-building of the train tunnel or the building of temporary tracks. The severity of the impact of the proposed tunnel alterations on the surrounding community necessitates the presentation of all information and viable options to the decision-makers. Without a description of alternative routes, including those already in use for hazardous material, it is not clear that anyone will be making a fully-informed decision.

VI. Presentation of Information for Future Meetings

The presentation of future concepts drawings should include the existing streetscape and adjacent homes in order to show how the concept impacts the built environment today. Having a drawing that shows the distance from the outer construction wall and from the tunnel to the sidewalk and to the houses along the 300 block of Virginia Avenue is important to give us better context for the proposals. Right now the drawings just focus on the tunnel and tunnel construction area without any context of how close or far that is from the rest of the environment. Just as the concepts show the distance from freeway wall, I request that the drawings show the distance from the existing sidewalk and houses along the 300 block of Virginia Avenue, the closest residents to the project.

In addition, I urge that increased attention be placed during this NEPA process on transparency and availability for public input. It was not clear from the November 30 public meeting that there was a 30-day deadline for public comment on the concepts and then it was extended to January 30th. A deadline is still not clearly noted on the website calendar on the schedule page or homepage. Future periods for public comment should be clearly and conspicuously noted on the website and provided by email and other means to those who have signed up to receive notifications on the project and who have submitted comments previously.

VII. Conclusion

In conclusion, I strongly believe that the only concepts that should warrant further consideration are those that involve either no action, permanent re-routing and temporary re-routing (concepts 1, 9, 10, 11, 7A, and 7B). I urge that options 2, 3, 4, 5, and 6, which propose an open trench with active train service, be removed from consideration due to the severe potential safety, health, and environmental issues.

Sincerely,

Sent: Monday, January 30, 2012 6:12 PM
To: contact@virginiaavenuetunnel.com
Cc: dccouncilmembers@dccouncil.us:

dccouncilmembers@dccouncil.us; (; faisal.hameed@dc.gov

Subject: Comment on VA Ave Tunnel - CSX response to earlier Q.

To whom it may concern:

At least 2 of the previous comments submitted by residents of Capitol Quarter asked a question about the value of Capitol Quarter homes during the construction phase. In brief, it was noted that property values in the short term would plummet and it would be nearly impossible to sell many homes nearest the construction. The corolarry question was what plans CSX might have to compensate a home owner who needs to move and sell his/her home during the construction phase.

The reply was that "since (Capitol Quarter) is in year 8 of a 25 year buildout... we do not anticipate any long term impacts to property values."

I respectfully suggest that whoever answered this line of inquiry either needs remedial reading classes, or is purposely obfuscating. The question was about SHORT TERM impacts to property values, not LONG TERM. (I also question what the purpose or usefulness is in citing a "25 year build out" since the question was about an individual owner, not the entire community and/or the builder/developer).

Statistically, it is almost inevitable that SOMEONE in the community will experience a situation that requires them to sell a home against their desires during the construction phase. They will, almost as inevitably, suffer an enormous loss or even experience bankruptcy as a direct result of this project by CSX, a private company whose profits would now in effect be underwritten by this private citizen's loss.

What plans does CSX have to make such an individual whole when such a situation occurs IN THE SHORT TERM? For purposes of clarification, let's define "short term" as during construction or immediately afterward while clean-up and restoration are (hopefully) ongoing.

: .

Sent:

Monday, January 30, 2012 7:16 PM

To:

contact@virginiaavenuetunnel.com: Michael.Hicks@dot.gov; faisal.hameed@dc.gov;

dccouncilmembers@dccouncil.us;

Subject:

Re: comment on CSX concepts for the Virginia Ave Tunnel

All,

As a resident of Capitol Quarter and homeowner and resident of a home on support the comment letter submitted by the Capitol Quarter Homeowners Association. This project will contribute nothing to this community other than hardship. I am told by the CSX Public Relations juggernaut that this project is good for the country and that I must sit back and "take one for the team." I am a 26 year veteran of the US Army, and have already taken several for the team; if my country were asking me to do this, I might summon up the ability to sacrifice a bit more, one more time. CSX is a private company and they are doing this for their own profit and I have no inclination to sacrifice an inch for them, certainly not without considerable compensation.

This neighborhood and I will not support any concepts that threaten our safety, security, investment in our property and loss of the quality of life and our right to the quiet enjoyment of our homes. Nor will we support any public representatives who may chose to wholeheartedly throw in their lot with CSX, a private company, and give no thought to ensuring that our lives and homes are kept whole, or made whole by compensation for the disruption that CSX promises to visit upon us for the sake their own profit.

I have other concerns beyond "selfish" interests. To cite one example, a study by the National Capitol Planning Commission highlighted, among other problems, the National security threat posed by unsecured freight rail traffic running less than a mile south of the Rayburn Congressional Office Building and not much farther from the Capitol itself. The study's recommendation was to remove all freight rail traffic from DC. Yet here we are contemplating construction that not only will disrupt the development and revitalization of this neighborhood, but QUADRUPLE the amount of freight rail traffic running through this corridor of the Nation's capital. It is time to reroute freight out of the heart of the District of Columbia, not increase it enormously and irreversably.

I reject any proposed concept that will destroy Virginia Avenue and the property contiguous to our homes, even "temporarily." I strongly reject any concept that embraces open trench construction, would have trains running in an open trench while construction is underway, or endangers the health and welfare of this community while wreaking havoc on the environment by ripping up all the old growth trees. CSX proposes to create "Hell with the Lid Off" outside my front door, and I very respectfully oppose the concept.

Sent: Monday, January 30, 2012 10:31 PM contact@virginiaavenuetunnel.com

Subject: comment for the CSX/Virginia Avenue Tunnel project

We write as new parents of a child who's 4 months old and is expected to grow in this neighborhood during the time frame CSX has outlined for the Virginia Avenue Tunnel project. We absolutely oppose any action that requires construction in the Virginia Avenue tunnel.

Specifically, we believe that the concepts that involve either no action regarding the tunnel or rerouting outside DC should be chosen for the next phase of the NEPA review. Thus, we support:

- concept #1 (no action);
- concept #9 (reroute outside DC using National Capital Planning Commission (NCPC) Indian Head Alignment);
- concept #10 (reroute outside DC using NCPC Dahlgren Alignment); and
- concept #11 (reroute outside DC using existing railroads and/or trucks), as identified in the CSX November 30, 2011 presentation (CSX presentation).

Absent the presentation of other rerouting concepts, these concepts should be the only concepts considered going forward for several reasons. First and most importantly, the other options are likely to pose extreme health, safety, traffic, and construction concerns, to us and our neighbors and who reside on the 300 block of Virginia Avenue SE. Second, there may be existing precedent for either no action or rerouting as evidenced by CSX's plan not to rebuild the Baltimore Howard Avenue tunnel. Finally, it is not clear that the rerouting concepts presented here are the only possible rerouting options, and given the severity of the consequences of the actionable proposals that do not involve rerouting, we urge the relevant agencies and CSX to re-examine the possibilities for alternative routes.

As a result, we are opposed to:

- concept #2 (rebuild the Virginia Avenue Tunnel with a temporary track to the south);
- concept #3 (rebuild the Virginia Avenue Tunnel with a temporary track to the north);
- concept #4 (rebuild Virginia Avenue Tunnel with a serpentine temporary track);
- concept #5 (rebuild Virginia Avenue Tunnel with a second permanent tunnel); and
- concept #6 (rebuild Virginia Avenue Tunnel within the current tunnel).

We urge that these concepts be removed from further consideration during the NEPA process. Concepts 2, 3, 4, and 6 involve open trench construction with trains continuing to run within feet from our homes. We believe these alternatives present tremendous public safety issues. In the case of concept 5, which also contemplates open trench construction, it places a permanent tunnel with increased amounts of train traffic in close proximity to our homes, and there has been no demonstration that the current right-of-way would support this concept.

To conclude, we strongly believe that the only concepts that should warrant further consideration are those that involve either no action or rerouting (concepts 1, 9, 10, and 11). We urge that options 2, 3, 4, 5, and 6 be removed from consideration due to the many safety and health issues that are unlikely to be adequately addressed.

Sincerely.

Sent: To:

Monday, January 30, 2012 10:44 PM contact@virginiaavenuetunnel.com

Cc:

michael.hicks@dot.gov; faisal.hameed@dc.gov;

Subject: Attachments: CSX VAT Project -- Comment CSX VAT Submission-1-30-12.docx

January 30, 2012

Parsons Brinckerhoff for CSX Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

We respectfully submit these comments for the record regarding CSX Transportation's intended reconstruction of Virginia Avenue Tunnel, referred to as the Virginia Avenue Tunnel Project. We understand that these preliminary comments are made during the early phase of the NEPA process per Section 106 and Section 4(f).

CSX's intended construction footprint is currently less than 20 feet from the nursery walls of our son and daughter, less than 20 feet from our front door, and atop the only city street that grants us access to our garage and back door. We obviously are quite concerned about the impact this construction will have on the health, quality of life, and safety of our family. We are also extremely concerned about the impact on our neighborhood and the diversity and economic growth of our southeast community.

We appreciate the VAT construction concepts shared with the community at a November 30, 2011 meeting. After review of these concepts and taking into account information provided to date by CSX, we can only support:

Concept 1 - No Action. Do not rebuild Virginia Avenue Tunnel (VAT) Concept 9 - Reroute Outside DC using NCPC Indian Head Alignment

Concept 10 - Reroute Outside DC using NCPC Dahlgren Alignment

Concept 11 - Reroute Outside DC using Existing Railroads and/or Trucks

We cannot support any of the CSX concepts put forward that "rebuild" the VAT with:

- 1. an open trench concept along the homes and residences lining Virginia Avenue
- 2. an open temporary track or a loosely closed-covered temporary track anywhere along Virginia Avenue between 2nd and 7th Streets
- 3. freight and other trains continuing service during the construction period at the current rate of service
- 4. trains continuing service while carrying hazardous materials
- conditions that limit our and our neighbor's capabilities to access our homes
- 6. conditions that limit emergency services to access our homes effectively
- conditions that increase the release of carcinogens and air pollutants less than 20 feet from our home
- 8. conditions that prevent our children or selves from sleeping in our home
- 9. conditions that interfere with good and appropriate living conditions for ourselves and residents along and south of Virginia Avenue during and after reconstruction of the VAT
- 10. conditions that destroy or devalue our property during and after the construction period

Concerns that we previously submitted in the first phase of the NEPA process lead us to conclude the above referenced options are the only options that do not severely hinder our family's health, quality of life, or safety. Please refer to previously submitted comments by us as well as a list of concerns submitted by the Capitol Quarter Homeowner Association, which can be found at http://www.ancnorm.org/wp-content/uploads/2011/11/CSX-Capitol-Quarters-Letter-14Oct2011.pdf.

We understand CSX intends to complete the VAT reconstruction in an effort to expand their operations along the East Coast. We understand that CSX wishes to continue service during construction and, in fact, increase service with use of double-stacked trains during the period of construction.

We do not and cannot support these options as presented by CSX for reasons referred to above:

Concept 2 - Rebuild VAT with Temporary Track to the South

Concept 3 - Rebuild VAT with Temporary Track to the North

Concept 4 - Rebuild VAT with Serpentine Temporary Track

Concept 5 - Rebuild VAT with Second Permanent Tunnel

Concept 6 - Rebuild VAT within Current Tunnel

We withhold comment on Concept 7A and B - Rebuild VAT and Temporarily Use Existing Railroads and/or Trucks without further information or analyses from independent parties and CSX to determine how the health, safety, quality of life, and property concerns would be addressed during and after the rebuild of the tunnel. For Concept 8 - Reroute through Deep Tunnel, we would require further information about how the proposed construction and permanent new structure would impact utilities, soil, and the structural integrity of our home and others along Virginia Avenue SE.

Thank you for this opportunity to respond to the concepts presented during the November 30th meeting. Sincerely,

January 30, 2012

Parsons Brinkerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

Re: Virginia Avenue Tunnel Concepts

I support, and incorporate by reference, the January 25, 2012, comment submitted by the Capitol Quarter Homeowners' Association through its Board of Directors. As explained more fully in that comment, the next stage of NEPA review should consider only the no action or rerouting concepts (Concepts 1, 9, 10, and 11) and any additional rerouting options (e.g., routing that CSX uses for highly hazardous materials or would use if an accident rendered the tunnel inaccessible).

For all of the other concepts, CSX is asking this city, and this community, to make considerable sacrifices – some or all of which appear to involve an expansion of the CSX right of way.

In return, we have received remarkably little information, beyond the most general reassurances, as to mitigation techniques, the claims process for damages, and the safety and security of our neighborhood – indeed, of the Nation's Capital. Virginia Avenue residents do not know how closely the different concepts would place construction activity and the expanded permanent tunnel(s) to our homes. We do not know how access to our driveways and alleys, and access for emergency vehicles, will be maintained. Nor do we know the construction timelines or costs for the different concepts.

We know this much.

Concepts involving temporary tracks (2, 3, and 4) would take more significantly more space – most notably, space closer to our homes – and would take more time to complete than concepts in which trains are temporarily rerouted to create the same permanent structure (7A, 7B). Even Concept 3, which places the temporary tracks on the north side of the tunnel, needs 24 feet of temporary construction access on the south side of the tunnel, as compared with 10 feet on the south side for Concepts 7A and 7B. Concept 5 compounds these problems by placing a second, permanent tunnel close to our homes.

Additional space, additional time, and having trains run in open trenches only a few feet from our homes (as they also would for Concept 6) magnifies almost every problem identified in the Capitol Quarter HOA's October 14, 2011, scoping comments.

¹ We can attempt measurements based on the concepts, but without knowing the exact location of the current tunnel, the width of the proposed new tunnel walls, and other details, our measurements would be guesswork. A much more detailed look at our block is warranted.

The noise alone, from the construction during the day and the trains running at night, would likely render sleep impossible and our homes unliveable.

Thank you for your consideration.

Respectfully submitted,

CC:

Delegate Eleanor Holmes Norton Mayor Vincent Gray Councilmember Tommy Wells Deputy Mayor Victor Hoskins David Garber, ANC 6D07 Michael Hicks, FHWA Faisal Hameed, DDOT DC City Council

HOME (/) PROJECT AREA (/PROJECT-AREA) PUBLIC INVOLVEMENT (/PUBLIC-INVOLVEMENT) SCHEDULE (/SCHEDULE) PROJECT RESOURCES (/PROJECT-RESOURCES/) FAQ (/FAQ/) CONTACT (/CONTACT/)

Please Leave A Comment

First Name

Last Name

Front Address

Comment^a

if you really want Community support-PAINT THE DARN RAIL ROAD BRIDGE, OVER 1395 BY THE MAINE AVENUE EXIT. IT IS A DISGRACE AND HASN'T BEEN PAINTED IN OVER 20 YEARS.

THIS IS THE GATEWAY TO THE US CAPITOL, AND THE RAILROAD HAS A CONSIDERABLE AMOUNT OF PRITO CATCH UP ON. TOURISTS AND VISITORS PASS UNDER THE RAILROAD BRIDGE WHEN THEY ENTER OUR CITY, IT IS THE FIRST IMPRESSION THEY GET OF THE CITY AND IT'S INFRASTRUCTURE...GET CRACKING-THANKS!

Comments May Also Be Submitted to the Following

Mail

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW Suite 701 Washington, DC 20005

Email

contact@virginiaavenuetunnel.com

in mall corn-mills.

(IRD) AWWINGOODIE COORTIE CSPECTE Andely 2 COORTIAL J. Markher Rakhmaskeg v Tassisjech in 3 q. 12 Zijandav C_0.538 e628 TD V363 roos 6 XJB r. 15 ck. YDDLDX q16 DJB MJTUPIUC N. 17 yr 17 XIG 18 SPFORT SP. 3 4 2 May 8 2008 YD CGKX 1 from CAHTWIZO P6D y FOr 5 ce 1 e g 6 X UF IKM TBDC X ON FM 8.

i agree to the legal terms and conditions (/terms-conditions/) specified on this site, terms of service.

e fimdue

*Indicates mandatory field.

Site Last Updated: February 03, 2012

Green Oriental - Francisco (http://ddoi.dc.gov)

ecorol Highway Administration (http://www.flwa.dot.gov)

(http://www.csx.com)

From:

Sent:

Tuesday, February 28, 2012 5:39 PM

To: Subject: contact@virginiaavenuetunnel.com SW Resident Interested in Tunnel Project

Signed By:

Follow Up Flag:

Follow up

Flag Status: Flagged

Hi VA Ave Tunnel Project,

My name is /. I saw an ad for the tunnel project on Facebook and saw the website. As a resident of the neighborhood, rail freight enthusiast, and a strategic communications consultant , I'm very interested in the project and your outreach efforts. I'm writing today to see whether it might be possible

to receive a tour of the project site?

Thanks,



Near Southeast/Southwest

Advisory Neighborhood Commission 6D

1101 Fourth Street, SW Suite W 130 Washington, DC 20024 202.554.1795 Email: office@anc6d.org Website: www.anc6d.org

May 17, 2012

Dear Sirs:

OFFICERS

Chairman Andy Litsky

Vice Chairman David Garber

Secretary
Bob Craycraft

Treasurer Cara Shockley

COMMISSIONERS

SMD 1 Bob Craycraft

SMD 2 Cara Shockley

SMD 3 Ron McBee

SMD 4 Andy Litsky

SMD 5 Roger Moffatt

SMD 6 Rhonda Hamilton

SMD 7 David Garber

Dear Sits:

RE: ANC 6D Recommendations Regarding Proposed CSX Virginia Avenue Tunnel

On May, 14, 2012, at a regularly scheduled monthly meeting of Advisory Commission 6D, representing Southwest and Near SE, the Commission voted to send the following letter stating our concerns and recommendations regarding the proposed project by CSX to expand the Virginia Avenue Railroad Tunnel.

CSX has proposed to adapt the current rail tunnel to allow for both an additional rail track and for double-stacked trains within the tunnel. Among the current proposed build options is the option to dig an open trench the entire width and length of Virginia Avenue from 2[™]St., SE to 11[™] St., SE to widen and deepen the existing tunnel under the roadway, and construct temporary train tracks in an open trench to use during construction. The project is currently undergoing environmental review under NEPA and historic preservation review under Section 106.

The ANC's primary concerns relate to the safety, health, and quality of life (e.g. noise, mobility, property value, and aesthetic considerations) of our great diversity of residents; the economic and physical well-being of our businesses, parks, religious institutions, homes, and historic buildings; and the preservation of north-south access across Virginia Avenue for all existing modes of transportation.

Residents on both the north and south sides of the tunnel use and cross Virginia Avenue daily to walk, bike, bus, and drive their children to school, enjoy recreational amenities, work, worship, eat, and shop. Building a trench between the emerging neighborhood south of Virginia Avenue and the more established areas north of it will instantly sever the ties that we have worked tirelessly to build.

We are also deeply concerned that both construction to expand the tunnel and the subsequent increase in rail traffic — including the transport of hazardous materials — would put people, homes, businesses, and fragile historic resources at risk both during the proposed construction process and during operation after the proposed construction is completed. We are especially concerned about any build option that would allow trains to run during construction — especially in an open trench — or that would place a new tunnel a closer distance to homes and other buildings than exists today.

Page 2 ANC 6D May 14, 2012

Therefore, after a thorough review of the official project concept alternatives presented by the CSX project team, we strongly believe that the best options for our community are for CSX to either leave the Virginia Avenue Tunnel in its current state (Concept 1) — with the suggestion that if this option were chosen that the tunnel would be fully maintained for the safety of both the trains below and the communities above, or to reroute additional train traffic outside the District of Columbia (Concepts 9 and 10 — as recommended by the National Capital Planning Commission, Concept 11, and other possibilities for alternative routes), instead of in an expanded Virginia Avenue Tunnel.

In the event that construction does come to our community, it is absolutely imperative that the health and safety of our many residents, the economic and physical well-being of our businesses, parks, religious institutions, hornes, and historic buildings, and the north-south access for all existing modes of transportation be preserved and enhanced. In that event, we will work together with CSX and government agencies to ensure that our many interests are protected, and that our community is left stronger, safer, quieter, and more seamlessly connected than it is today.

Thank you for your consideration.

Sincerely,

Andy Litsky

Chairman, ANC-6D

Southwest & Near Southeast

To:

Mayor Vincent Gray
Council Chairman Kwame Brown
Councilmember David Catania
Councilmember Phil Mendelson
Councilmember Michael Brown
Councilmember Vincent Orange
Councilmember Tommy Wells
Director of DDOT, Terry Bellamy
Michael Hicks, Federal Highway Administration
Parsons Brinkerhoff

1

VIRGINIA AVENUE TUNNEL PROJECT

Environmental Impact Statement

And

Section 106 Coordination

Public Meeting

Nationals Park

1500 South Capitol Street, Southeast

Washington, D.C.

May 21, 2012

6:30 p.m.

Reported by: Gervel A. Watts, CERT*D

	,	
		2
1	APPEARANCES	
2		
3	SPEAKERS:	
4	JAMIE HENSON, DDOT	
5	STEVE PLANO, PARSONS BRINCKERHOFF JOHN UNDELAND, StrataComm (Moderator)	
6	STEVE FLIPPIN, CSX CHIP DOBSON, CSX	
7	KEITH BRINKER, CSX MICHAEL HICKS, U.S. Federal Highway	
8	Administration CHUCK GULLAKSON, CSX	
9	JOHN WALSH, CSX	
10	TESTIFYING WITNESSES:	
11	BRIAN HUSEMAN	
12	LAURA SALMON ANDREW SHIELDS	
13	ANN VAN CAMP HARRY SIMMETH	
14	LISA DALE JONES DAVID GARBER	
15	MONTY EDWARDS FRED MILLAR	
16	SHAUNA HOLMES RON MCBEE	
17	MAUREEN HARRINGTON	
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1	PROCEEDINGS	
2	MR. HENSON: Good evening. My name is Jamie	
3	Henson. I'm a planner with the District's Department	
4	of Transportation. Before we start, I'd like to say	
5	thank you. Thank you for coming and taking time out of	
6	your busy schedules to come and engage in this very	
7	important process of evaluating the potential impacts	
8	of the Virginia Avenue Tunnel. We're very grateful.	
9	Your willingness to come out and engage in	
10	this process is not lost on us and we don't want to	
11	waste your time. So we're going to try to focus and	
12	move through a presentation that gives you information	
13	that you need to help make decisions and move forward	
14	in a way that is equitable and includes input from	
15	everybody involved. So with that, thank you very much	
16	for coming.	
17	Again, my name is Jamie Henson. I'm a	
18	planner with DDOT. Tonight's meeting is about the	
19	Virginia Avenue Tunnel Project. Before we get into	
20	that, there are two things, two main points from	
21	tonight.	
22	First of all, we're going to talk through the	

- 1 and vibrations, storm water management and soil, and
- 2 then some potential post construction for how the road
- 3 might look, and then a great demonstration on the
- 4 sounds of transit, which is really amazing. Hopefully
- 5 you'll enjoy that as much as I have. We will go over
- 6 the schedule and then question and answer period.
- 7 As I mentioned earlier, hopefully you've
- 8 signed up to have a question and answer. I can't
- 9 remember. Did we decide two or three minutes for the
- 10 questions?
- MR. UNDELAND: Two.
- MR. HENSON: Two minutes. Thank you. We'll
- 13 go through that detail later. Project History: This
- 14 project has been a glimmer for quite a while now.
- 15 There have been upwards of 50 community meetings;
- 16 however, with this process, the start is environmental
- 17 assessment.
- The first meeting was September 14th of this
- 19 past year. It was a scoping meeting, where we invited
- 20 the community to come visit and talked through
- 21 potential that they saw what we needed to review.
- There were about 70 people and organizations

- 1 represented. We had a second meeting in November,
- 2 where we introduced 11 different concepts for how the
- 3 Virginia Avenue Tunnel might be rebuilt or not rebuilt.
- 4 There were about 50 individuals and organizations that
- 5 attended that meeting, which was here.
- With that, I'm going to talk through NEPA.
- 7 We initiated the NEPA process a summer ago a little
- 8 less than a year ago. Our initial classification was
- 9 Environmental Assessment that is, one of our middle
- 10 levels of assessment. We initiated the scoping in the
- 11 fall, as we mentioned, developed a purpose and need
- 12 statement, which I will go over momentarily, and
- 13 developed potential project concepts.
- 14 Then recently, about a month or two ago, in
- 15 consultation with the Federal Highway Administration
- 16 and learning more about the project, this project
- 17 shifted classification from Environmental Assessment to
- 18 what we refer to as EIS, an Environmental Impact
- 19 Statement, where we went from thinking there might be
- 20 potential impacts of the EA, to saying that we're
- 21 pretty confident there's going to be an impact. So we
- 22 want to define that impact and make sure that those

		7
1	potential impacts are mitigated.	
2	The Notice of Intent for that EIS was issued	
3	May 1st of this year and was issued in the Federal	
4	Register.	
5	Purpose and Need: The Federal Highway	
6	Administration, otherwise known as FHWA, is to	
7	determine the significance of anticipated impacts is	
8	what our Federal role is, and the needs of this	
9	particular project to correct the deficiency that	
10	Virginia Avenue Tunnel has because it's a 100-year-old	
11	tunnel; to address freight transportation, demand and	
12	need for additional capacity in the corridor; to	
13	maintain freight traffic during construction.	
14	The objectives are to minimize construction	
15	duration and impacts on the community, including	
16	traffic, pedestrian and access; to provide community	
17	enhancements; to improve the conditions of the	
18	community and the roadway facility, and the also to	
19	keep open communication through the NEPA process and	
20	construction process as well.	
21	The Federal Highway Administration is the	
22	lead Federal Agency. The Federal Railroad	

- 1 Administration is what we refer to as a cooperating
- 2 agency. So these are a list of the agencies, federal
- 3 as well as local, that are participating in our
- 4 process: The National Capital Planning Commission,
- 5 National Park Service, Marine Barracks Washington,
- 6 Department of the Navy, as well as DDOT, and we are
- 7 what we refer to as the lead local agency.
- 8 So the definition of EIS is a process used in
- 9 which the proposed action is expected to have
- 10 significant impact. Whereas, the EA, where we started,
- 11 we felt that there might be impacts or significant
- 12 impacts; now we're saying we're pretty sure there's
- 13 going to be a significant impact.
- 14 What this process ensures is that there's
- 15 more illumination of the process, whereas an EA, we can
- 16 go through the process, come to an end, have a public
- 17 hearing, get impact from the community and it's done.
- 18 This process is much more deliberative. So we prepared
- 19 a Notice of Intent.
- 20 This process has a draft Environmental Impact
- 21 Statement and then a review associated with it. Then
- 22 there is a public hearing for the draft Environmental

- 1 Impact Statement. We then take the information from
- 2 that and then go to a final Environmental Impact
- 3 Statement and there is a time period for review and
- 4 then there is a record decision.
- 5 So there's much more process around this than
- 6 the Environmental Assessment. I know it's a little bit
- 7 of jargon, but nonetheless, the idea here is that there
- 8 is a higher level of scrutiny that is now being applied
- 9 to this project, which is the real take away from this.
- 10 If some of you have questions that in the question and
- 11 answer, we'll be glad to go into more detail if you'd
- 12 like.
- 13 Section 106 Overview: Section 106 is part of
- 14 the National Historic Preservation Act of 1966.
- 15 Basically, it's pushing us -- requiring us, I should
- 16 say -- to evaluate the impacts on potential historic
- 17 resources in the area. That process was initiated and
- 18 parallel to the NEPA process in November.
- 19 We've invited participants to a set of
- 20 consulting party meetings established and areas of
- 21 potential effect, which we will go through momentarily.
- 22 As part of the process, we'll identify historic

- 1 properties; determine the effects, and as necessary,
- 2 resolve adverse effects as they are found.
- With that, I'm going to introduce Steve
- 4 Plano, of Parsons Brinkerhoff to talk through in a
- 5 little more detail around the 106 process, as well as
- 6 to discuss the concepts that are being retained.
- 7 MR. PLANO: Okay. Thanks, Jamie. My name is
- 8 Steve Plano. I'm with Parsons Brinkerhoff. I'm the
- 9 NEPA manager for the project. I'm in charge of the
- 10 Environmental Impact Statement.
- One of the things as a consultant that you're
- 12 supposed to do really well is prep your agency/client
- 13 ahead a time. I did not prep Jamie properly. We're
- 14 not doing the sounds of transit tonight. We will be
- 15 doing it at a separate meeting. I just want to clarify
- 16 that. It is a really cool program. He's right about
- 17 that.
- 18 MR. HENSON: I was excited.
- 19 MR. PLANO: I know. My apologies to you. We
- 20 also have comment cards that we want you to fill out,
- 21 located in the back of the room. There is a typo on
- 22 the comment card. It still has the EA on it. Rest

- 1 assured, we're doing an Environmental Impact Statement.
- 2 So those are my two confessions for the night.
- 3 Let me walk you through a little bit of what
- 4 we did today. We had consulting parties meeting, which
- 5 is part of the 106 process. A number of you here were
- 6 in that meeting. We looked at an area of potential
- 7 effect for cultural resources, historic sites.
- 8 We had some revisions to that area of
- 9 potential effect. That will change. We're working
- 10 with the consulting parties. It grew today. We're
- 11 going to moving forward with that larger area of
- 12 potential effect.
- 13 Let's talk about the concepts' evaluation. A
- 14 number of you were here at the last meeting in
- 15 November. We described a number of concepts at that
- 16 time. Almost a dozen different concepts from no-build
- 17 through out-of-corridor type alternatives.
- 18 So one of the purposes for tonight is to
- 19 really tell you the results of our initial screening on
- 20 that and what we're moving forward with in the EIS.
- 21 Regardless of an EIS or an EA, we start out with the
- 22 purpose and need as Jamie described. So what's the

- 1 purpose and need for the project. You saw that on the
- 2 slide.
- 3 Then we developed concepts that we feel
- 4 address that purpose and need that transportation
- 5 problem. Then we worked together as a team and
- 6 winnowed it down to those concepts/alternatives that
- 7 were carried forward for detailed analysis. So that's
- 8 the step we're at today. I'm going to walk you through
- 9 that process a little bit.
- 10 In terms of retained concepts, the ones that
- 11 we're looking at retaining, of course, we're retaining
- 12 the no-build required under NEPA. That's our baseline
- 13 condition, our point of comparison. So really, what
- 14 would it be out there if we did nothing. And that's
- 15 true of all transportation projects: highway, transit,
- 16 rail, freight. It really doesn't matter. There's a
- 17 baseline condition.
- 18 We wouldn't do anything with the tunnel or we
- 19 wouldn't do anything with the highway if it were a
- 20 highway project. Of course, other things happen in the
- 21 area, all their market influences and other things are
- 22 happening. But from our standpoint it would be a no-

- 1 build situation.
- We'd also have rebuilding of the Virginia
- 3 Avenue Tunnel, temporary south side runaround. That's
- 4 Number 2 from the prior numbers. We kept the numbers
- 5 the same. Number 5, which is also rebuilding the
- 6 Virginia Avenue Tunnel with permanent twin tunnels.
- 7 And I'll go through each of these in a minute.
- 8 And then lastly, rebuilding of Virginia
- 9 Avenue Tunnel online. So in the existing condition -
- 10 the existing tunnel that we have out there. So let's
- 11 walk through each of these.
- The no-build situation is basically what we
- 13 have today. There's an existing tunnel out there.
- 14 It's a single-track tunnel, one vehicle high. So it's
- 15 a single stack tunnel. The walls are about eight and a
- 16 half feet thick. It's in need of ongoing maintenance
- 17 out there. It's in a condition, as we've noted in our
- 18 purpose and need, that it has deficiencies and
- 19 certainly needs some renovation and repair.
- 20 So the no-build would be basically not doing
- 21 anything to the tunnel. If something unanticipated
- 22 came up, an unplanned event, emergency maintenance, of

- 1 course, that would happen, but it would be basically
- 2 what we have out there today.
- 3 Concept 2: The temporary south side
- 4 runaround. You can see on the right side of the slide
- 5 we would have an open trench situation where we would
- 6 build a temporary situation where the trains would
- 7 runaround in an open trench.
- 8 We would have to divert that traffic into
- 9 that open trench because the operations would have to
- 10 be maintained throughout the process. There can't be a
- 11 break in service.
- 12 So the temporary track would be built in an
- 13 open trench situation and then after the trains were
- 14 diverted over there in a temporary condition, then work
- 15 on the tunnel would begin and once that was done, the
- 16 diversion would go back and then the trench would be
- 17 filled back in.
- 18 We'll show you some slides later on the
- 19 streetscape and how it would look after we're done. So
- 20 it would be moving the trains over; working on the
- 21 tunnel; moving them back; filling the trench back in.
- The permanent twin tunnels are a little bit

- 1 different, if you remember from the last meeting.
- 2 Basically, we would build that temporary situation on
- 3 the right side, but it would become a permanent
- 4 situation. It would be a single track, double-stack
- 5 tunnel. That would be built first. We run the trains
- 6 over on that side and then as we're working on the
- 7 existing tunnel, we would cover the tunnel on the right
- 8 side. So the ultimate condition would basically be two
- 9 single-track, double-stack tunnels.
- 10 So instead of having both tracks in one
- 11 tunnel, we'd have two separate tunnels. We'd be
- 12 building one on the right side of the slide and then
- 13 renovating the existing tunnel out there for a double-
- 14 stack situation and there would be the wall in between.
- 15 So there would be less excavation in between, in terms
- 16 of the overall project.
- 17 Concept 6, which is really the rebuild
- 18 online. Again, it would be an open trench situation
- 19 because regardless of which alternative we're looking
- 20 at, which concept, we would be pulling the roof off the
- 21 existing tunnel. If you think back to the existing
- 22 condition slide, the no-build, there's only about five

- 1 feet of clearance there. So to do what we need to do,
- 2 we're going to go a little bit deeper and create the
- 3 double-stack situation.
- 4 So this, I think I jokingly referred to it in
- 5 November as working in house while living -- or living
- 6 in your house while you're trying to renovate it. So
- 7 it would be a little longer duration, in terms of
- 8 building this. It would be a little more complicated
- 9 for rail operations, but you wouldn't have the
- 10 temporary open trench situation like in the other two
- 11 alternatives.
- So we think we have three pretty different
- 13 alternatives within the corridor. And those are the
- 14 ones that we propose taking forward and doing detailed
- 15 analysis on, in addition to the no-build situation.
- This is a list of the concepts that we've
- 17 eliminated at this point, from further consideration.
- 18 You saw all of those at the previous meeting. They
- 19 were up on the website after the meeting. You can run
- 20 your eyes down those.
- 21 There are rebuild alternatives that we've
- 22 eliminated. One was the serpentine that we tried to

- 1 look at running the trench back and forth. That really
- 2 didn't work out for us. There are some others outside
- 3 the corridor, some of the NCPC alternatives. Those
- 4 were eliminated too. So what we've winnowed it down to
- 5 was the four I just went through: the builds, plus the
- 6 no build. So this is a list of alternatives and
- 7 concepts that have been eliminated.
- 8 Let's talk a little bit about construction
- 9 information that Jamie mentioned earlier. We looked at
- 10 preliminary maintenance of traffic for all the build
- 11 alternatives that we have left. They're very similar
- 12 in terms of how the maintenance of traffic will work.
- Just a general statement with Concept 6,
- 14 it'll be a little bit easier, with a little bit more
- 15 room, in terms of width, but generally, the principles
- 16 that we're looking at that you see on this slide are
- 17 things that we want to move forward with on maintenance
- 18 of traffic. We know that's a concern of the
- 19 neighborhood.
- We know that access, not only for people
- 21 driving through the neighborhood, driving into and out
- 22 of the neighborhood, local residents, access to

- 1 businesses and homes, is vital. So the principles that
- 2 we laid out here are consistent across any of the
- 3 alternatives that might be carried forward for a
- 4 selective build alternative.
- 5 Let's talk a little about how the maintenance
- 6 of traffic would work. I'm just going to kind of walk
- 7 you through from west to east. From Second to Fourth
- 8 Street -- and as I walk through these slides, the
- 9 colors are very consistent.
- 10 So if you see a green color on the slide,
- 11 it's pedestrian, walking, bicycle access, maintaining
- 12 that. If you see red, it's vehicular access. There is
- 13 kind of a beige color here, that's really more of a
- 14 very specific access to a business or a property or a
- 15 community center that were maintained.
- 16 So if you look at Second to Fourth Streets,
- 17 what we're proposing at Second Street is maintaining
- 18 the pedestrian access. Also, you can see the crossings
- 19 for vehicles, pedestrians and bikes at the other
- 20 locations at Third and Fourth; a loading dock access,
- 21 for Capital Quarter, you can see the beige color for
- 22 maintaining access so people can get in and out.

- 1 Again, very consistent across these
- 2 alternatives, probably a little bit easier for Number
- 3 6, in terms of comparison.
- 4 From Fourth to Sixth Streets, you can also
- 5 see the maintenance of vehicular and pedestrian access.
- 6 I Street, Southeast would be closed at Fourth, except
- 7 for local traffic to Capital Quarter. We'd be looking
- 8 at detouring Sixth Street off-ramp traffic to two-way,
- 9 via Virginia Avenue and then obviously, emergency
- 10 vehicle and shuttle bus access where the senior center
- 11 would be maintained. So we're not only looking at the
- 12 big picture, but very site-specific access, maintenance
- 13 in the corridor.
- Moving onto Sixth to Seventh Streets, you can
- 15 see the two-way system on the north side of the
- 16 Expressway that we'd be looking at. You can see the
- 17 beige arrows that would be part of the maintenance of
- 18 traffic with maintain two-way traffic so that although
- 19 you'd have to divert around, you could get to where
- 20 you're going to.
- 21 Again, it's a temporary situation, but it
- 22 will be for a number of months that people would have

- 1 to do the diversions. DDOT is working very closely
- 2 with us. We're also working very closely with other
- 3 projects in the area to make sure that various
- 4 maintenance of traffic plans are coordinated. I know
- 5 that is a concern of the community as well. So we'll
- 6 work very closely with you and the agencies on that;
- 7 make sure that we have enough overlap and consideration
- 8 so that we don't get into log jams for commuters and
- 9 also for folks living in the community.
- 10 Moving onto Eight to Ninth Streets, again,
- 11 you see vehicles and pedestrians and bicyclists access.
- 12 Property access and driveway access, a little bit of
- 13 property access -- and the beige color is probably a
- 14 little hard to see for Dogma. Also, L Street Southeast
- 15 would be converted to two-way, between Eight and Ninth
- 16 Streets.
- 17 Again, these are conceptual maintenance of
- 18 traffic plans that are subject to revision as we go
- 19 through, subject to change as we go through
- 20 construction. Things may changes. Projects in the
- 21 area may get delayed or expedited. We'll continue to
- 22 work that that as we're going through it, and of

- 1 course, let you know ahead of time.
- 2 At 11th Street, at the eastern-end of the
- 3 corridor, you can see the red and green crossing for
- 4 pedestrians and vehicles maintained. The beige strips,
- 5 I forgot to mention in the beginning, that's generally
- 6 the limits of where the Virginia Avenue Tunnel is.
- Again, just in general, the concepts will be
- 8 very similar. The principles are going to be
- 9 maintained, working with you and DDOT. We'll continue
- 10 to communicate with you because we know the maintenance
- 11 of traffic and access is vital.
- 12 So as Jamie mentioned, there are some other
- 13 things that we're looking at, at this point in the
- 14 project. It's very conceptual at this time. As you
- 15 know, we just began the EIS process with the Notice of
- 16 Intent.
- 17 All the information that we've worked on
- 18 before will be included, even though we were in an EA
- 19 before, but we're just getting into detailed analysis
- 20 of the various alternatives and concepts.
- 21 So some of the things that we know we've
- 22 heard from you and others and some of the things that

- 1 we know we'll be looking at in detail: site security
- 2 and lighting in the corridor of how that's going to
- 3 work. We know we'll be looking at perimeter fencing
- 4 from the safety standpoint, what it looks like. We'll
- 5 be working closely with you. We know that aesthetics
- 6 will be important, even in a temporary situation
- 7 because you live and work in the area.
- 8 Noise and Vibration: We do have a noise
- 9 expert here today, which we were trying to do some
- 10 noise work today, but you can't do that in the rain.
- 11 But those studies are just getting underway, in terms
- 12 of the inventory stage, but we will be doing the noise
- 13 with vibration modeling and doing existing conditions
- 14 and running those conditions through the model and
- 15 looking at what the impacts may be, and as appropriate,
- 16 any mitigation that may be necessary.
- 17 Also, there's been some work out in the
- 18 corridor, some soil sampling and ground water sampling
- 19 and some testing. We'll continue to do that work and
- 20 let you know ahead of time.
- 21 If you do see something that's not the way
- 22 you like it out there, we do want to hear from you

- 1 because we want to take care of things that you're
- 2 concerned about as quickly as possible. And that's a
- 3 situation we're going to continue all the way through
- 4 the project.
- 5 If a build alternative is selected and it's
- 6 carried through, during construction we want to make
- 7 sure we're doing things appropriately in the field. So
- 8 we want to maintain this communication all the way
- 9 through.
- 10 Storm Water Management: Obviously we've been
- 11 doing what the regulations say, what we need to do from
- 12 a storm water standpoint. So we'll be following
- 13 through on that.
- We really haven't gotten to this in detail.
- 15 We've heard from some folks about how important it is.
- 16 We want to let you know that we will be looking at it.
- 17 This is obviously not an all-inclusive list; these are
- 18 the things that we know are of immediate concern to
- 19 some folks out in the community. So we want to let you
- 20 know that we were looking at those.
- One thing in particular we know we're hearing
- 22 from you, from the noise standpoint, and we do want to

- 1 share that sounds of transit work with you. It's an
- 2 interactive display and it can show you what noise
- 3 impacts may be from a project. You can actually model
- 4 what the sounds of street noises are, trains. And
- 5 we'll share that with you as soon as possible in
- 6 another setting.
- 7 Basically, from a noise standpoint, there are
- 8 criteria we use. There's perception -- and this is
- 9 really not just about noise. They are perceptions of
- 10 what impacts would be and there are criteria that we
- 11 abide by. We'll obviously look at the criteria. We
- 12 understand the perception aspect and we'll work with
- 13 you on kind of combining those and make sure we'll
- 14 communicate with you.
- Sometimes the noise may increase and not go
- 16 over the criteria and you can't tell. Sometimes your
- 17 perception is that the noise has increased, but it's
- 18 not really a criteria. We'll work with you to let you
- 19 know. Some of this stuff is very technical.
- I'm not a noise person. I'm continually
- 21 reminded by noise people on what those things are. So
- 22 definitely, if you have questions as you go through the

- 1 process with us, let us know. We will get the experts
- 2 to answer those questions for you.
- 3 We'll look at rail noise, but we'll also look
- 4 at some highway noise conditions out there in the
- 5 baseline because in the modeling standpoint, there is
- 6 an existing noise condition out there.
- 7 All I'll say is that I hope we get better
- 8 weather for the rest of the week because we want to get
- 9 these studies underway. So whatever you can do to make
- 10 the weather better, we'd appreciate it. But we will be
- 11 doing it in the best weather we can because that's what
- 12 we need to do.
- 13 In addition, vibration is something of note
- 14 and concern to you. We will be doing some vibration
- 15 modeling in the corridor. Again, we will be looking at
- 16 what the criteria says, doing some comparisons. We
- 17 want to know what's happening now. We want to predict
- 18 what's going to happen.
- 19 Then even during construction, we'll be
- 20 working with you to look at situations and monitor
- 21 those in case there's something that maybe you think is
- 22 happening out there and we can test it, versus the

- 1 baseline condition.
- We know vibration is a concern. I think I
- 3 know that it's a concern for the after operation, after
- 4 the tunnel is rehabbed, but also during the
- 5 construction. We understand both the construction and
- 6 the permanent impact side. So we'll look at both in
- 7 the EIS.
- 8 Assuming a build alternative is selected,
- 9 everything proceeds, obviously at the end of the day,
- 10 you want to know what it's going to look like. We
- 11 wanted to share some concepts with you tonight.
- 12 Basically, from DDOT's standpoint -- I think
- 13 I can speak for them or Jamie can correct me -- we want
- 14 to return the street to the way it is today, at least.
- So we wanted to share some concepts with you,
- 16 just some things we're considering right now. We
- 17 definitely want to get your input on these and we want
- 18 to get your input from a 106 standpoint too.
- 19 So regardless who's listening or who's out
- 20 there in the community, we want your input on how we
- 21 proceed on some of these concepts. So we have several.
- 22 Option A is basically returning the street

- 1 situation the way it is. And you can see kind of a
- 2 cross-section of what it would look like. When we're
- 3 done, the tunnel will still be underground. It will
- 4 still be a tunnel at the street level. You'll see what
- 5 you see today and then whatever we decide, in terms of
- 6 enhancements or look. So this is kind of a simplistic,
- 7 pretty much the way it is today.
- 8 Option B, we're showing some bike lanes out
- 9 in the street. We know biking and pedestrian activity
- 10 is a big interest in D.C., big interest in the
- 11 neighborhood. These would be bike lanes right out in
- 12 the existing curb-to-curb section.
- In Option C, looking at a shared use path on
- 14 one side. Again, these are very conceptual. We want
- 15 to work with you. These are just some things we're
- 16 going back and forth with on now.
- 17 We don't know what the answer is, but we want
- 18 to work with you on these and we look forward to some
- 19 of your input on what's the best approach for you. But
- 20 we wanted to let you know that we're looking at
- 21 maintenance of traffic.
- We're looking at these analysis things, but

- 1 also trying to think ahead of what the ultimate
- 2 condition will be and make it as best as we can for
- 3 you.
- 4 Just a brief summary on the schedule, now
- 5 that we've switched to an EIS, the schedule has changed
- 6 a little bit. We're looking at a public hearing,
- 7 sometime in the summer of 2012. We're going to do a
- 8 public hearing anyways, but this will be the EIS Public
- 9 Hearing.
- 10 We'll have the draft EIS in the fall and then
- 11 the formal public hearing in the winter and then
- 12 ultimately a record of decision in 2013. We don't have
- 13 actual months or dates pinned down for this, but these
- 14 are the target months we're looking at, target seasons.
- It's a pretty aggressive schedule. We're
- 16 working on several cylinders all at once, but will
- 17 continue to work with you, all the way through the
- 18 process and get your input and address your concerns as
- 19 quickly as possible.
- Okay. Right on time. With that, we want to
- 21 take your questions. Jamie and I will field the
- 22 questions. John Undeland is kind of our moderator or

- 1 MC, I guess, for lack of a better term. We're doing
- 2 two minutes. I think we have a warning sign at one
- 3 minute.
- 4 If one of us can't answer the question, we
- 5 have technical experts here who will hopefully be able
- 6 to answer your question. If that doesn't work, we will
- 7 still take your question and get back to you. I think
- 8 we have a list.

- 10 MR. UNDELAND: Thanks Stephen. To reiterate,
- 11 thanks to all of you for coming out. This is your part
- 12 of the program now. Before we get going, I did just
- 13 want to hit on a few ground rules to enable us to get
- 14 through your questions thoroughly, but also to give as
- 15 many folks a chance to speak as possible.
- 16 We're going to be taking the numbers. When
- 17 you folks signed in, who wanted to speak, you got a
- 18 number. We're going to be taking those in order. Only
- 19 those who did get a number, who asked to speak, will be
- 20 called. We're going to have you come up to the
- 21 microphone here.
- Do you see the little box in front of you?

- 1 That's going to give you an indication of when you're
- 2 down to one minute from the two-minute total and down
- 3 to 30 seconds and then wrap up. If you miss your turn,
- 4 we'll just put you at the back of the line.
- 5 Again, it is a two-minute maximum. We ask
- 6 that when you're receiving your answer from other folks
- 7 that if you would just be neutral in your response. No
- 8 applauding or booing or anything of that nature. You
- 9 need to respect the folks who are presenting.
- 10 Lastly, we're ending the comments at 8:00.
- 11 As Steve mentioned, we do have ways to comment. There
- 12 are drop boxes in the back for comments you want to
- 13 fill out tonight. There are also envelopes back there
- 14 if you want to go home and think about it and submit
- 15 comments. You can mail those in.
- 16 We've got a court reporter over here if you
- 17 want to give oral comments. You can also e-mail at
- 18 contact@virginiaavenuetunnel.com. You can also get
- 19 there by navigating through the website at
- 20 virginiaavenuetunnel.com
- 21 With that, we'll start with our first speaker.
- MR. HUSEMAN: Hi. My name is Brian Huseman,

H-U-S-E-M-A-N. I'm vice-president of the Capital Quarter Homeowners Association Board of Directors. a resident of the () and I ask that this be included in the court transcript. First of all, I would like to applaud the 5 NEPA agencies for making this an Environmental Impact 6 Statement instead of an EA. I think it was nonsensical 8 that this project was not worth the highest level of scrutiny and we thank you for this more rigorous 10 review. 11 First of all, I'm very disappointed that the rerouting option was not included in the final four EIS 12 13 concepts. I think that you presented those for the Hobson's choice, as far as there was only one option 14 15 here where there are not trains running in an open trench within feet of our homes. I would urge that one 17 of the rerouting options be included in the final EIS 18 in the next phase. 19 I'm also extremely disappointed in one of the 20 FAQs that was released on Friday evening about the home 21 value of the homes. During construction, I think that DDOT Federal Highways essentially should be ashamed 22

- 1 that they simply ignored the concept that home values
- 2 will be affected during construction. That FAQ said
- 3 that it was a subjective viewpoint or that it was not
- 4 objective criteria for that and I think we all know
- 5 that's completely inaccurate.
- 6 So I have a three-part question. One, I want
- 7 to ask about the right-of-way under any of these
- 8 concepts, especially Concept Number 5. I don't think
- 9 there's any possible reading of the 1901 Federal
- 10 Statute that would allow CSX to build a brand new
- 11 tunnel within its existing right-of-way. So I'd like
- 12 to find out what the views of the agencies are about
- 13 that.
- Number two; I would like to know why there
- 15 was not some sort of combination concept that was
- 16 given, such as Concept Number 2 but with trains
- 17 temporarily rerouted during the construction period.
- 18 Number three; I would like to know what the
- 19 comment period is for residents so that we can make
- 20 sure that our comments are most relevant during the
- 21 next phase. Thank you.
- MR. UNDELAND: Steve or Jamie, would you like

to address the question? MR. HENSON: On the right-of-way question -let me sure I've got it right just for clarity. The first was the right-of-way question. Second, you talked about a combined concept 5 or a hybrid. Can you be a little more specific on that? 8 MR. HUSEMAN: The only concepts that were put forward were the exact same concepts that were presented in the earlier stage. So I would like to 10 know how come some sort of combination or hybrid was 11 12 not included. 13 MR. HENSON: Okay. Thank you. And then the third is how long the comment period is? 15 MR. HUSEMAN: Yes. 16 MR. HENSON: Okay. Good. At the moment, 17 DDOT is working with CSX. The right-of-way is very 18 complicated element of this. There is a congressional 19 act, obviously, and I think that the way, at the moment 20 -- and I'll let some other folks elaborate on this --21 is that we understand that each of us have rights in that right-of-way. 22

- 1 The question, frankly, is not yet determined.
- 2 So we're in the process of determining how the right-
- 3 of-way will work, but the answer we don't have the
- 4 answer yet. I'll pause there and see if we need to
- 5 have a little clarity on that.
- 6 MR. PLANO: I don't think so.
- 7 MR. HENSON: Okay. Second, the combined
- 8 concept or potential hybrid between any number,
- 9 frankly, of the 11 alternatives I think is the spirit
- 10 of the question. Is that right?
- 11 MR. HUSEMAN: Yes.
- MR. HENSON: We basically, at this point,
- 13 these are the concepts that we feel best adhere to the
- 14 purpose and need. That's not saying that there is
- 15 potential for some of these to be mixed and matched at
- 16 the end of the day, but there may be.
- 17 With 11 different concepts that we've brought
- 18 out to the public, we really had a higher level of
- 19 specificity in those than we might typically on other
- 20 projects. So we really try to look at a variety of
- 21 hybrid type concepts.
- 22 For example, I think Steve called it the

- 1 serpentine, kind of went back and forth and across.
- 2 That would kind of be a hybrid between the north or the
- 3 south. So we've somewhat introduced that concept, but
- 4 at the moment, we feel that these are most appropriate
- 5 to address the purpose and need.
- 6 The comment period, Steve, I'll actually
- 7 defer to you. I can't remember. I'll let you talk on
- 8 the nuance of that. I don't want to be incorrect.
- 9 MR. PLANO: Brian, are you talking about the
- 10 comment period now?
- 11 MR. HUSEMAN: Yes.
- MR. PLANO: The comment period now, I don't
- 13 think we've specified. So we can take comments all the
- 14 way through the process.
- MR. HUSEMAN: But the question though is
- 16 during what time period will they be most relevant and
- 17 effective to influencing the next stage of the review?
- 18 MR. PLANO: I think we said last time 30
- 19 days. Obviously, the sooner they come in they can
- 20 influence us more, but that's not to say that we won't
- 21 take comments all the way through the process on the
- 22 concept, especially if we were to do a hybrid concept,

- 1 we would need to present that to you and take comments
- 2 at that time too.
- 3 So I don't want anybody to think that they
- 4 can't make comments all the way through the process is
- 5 really my point. Then later on when we come back,
- 6 we're sharing impact analyses.
- 7 Obviously the comments at that point would
- 8 influence, in terms of developing mitigation strategies
- 9 too. We want to be as open as possible, also recognize
- 10 the fact that when the comment come in, the sooner they
- 11 come in at that point, you know, we'll fit them into
- 12 the schedule and the process better. We don't want to
- 13 limit you is the bottom line.
- MR. UNDELAND: Can we have the second speaker
- 15 come up and the third speaker sort of on deck?
- 16 MS. SALMON: Hi. I'm Laura Salmon. I'm
- 17 president of the Capital Quarter Homeowners
- 18 Association. Thank you very much for the information
- 19 you've presented tonight and the opportunity to comment
- 20 on this.
- 21 Now that we've winnowed down the options to
- 22 basically three that aren't just leave it alone, I'm

- 1 wondering if it would be possible to share more
- 2 detailed, block-by-block information than the overall
- 3 chart.
- It's difficult to tell, for example, if you
- 5 take the block of Virginia Avenue between Third and
- 6 Fourth Streets, where the end of the tunnel is; where
- 7 this construction access is and where the safety
- 8 barrier is.
- 9 If you can kind of blow up -- and I would
- 10 assume that certainly the blocks are of interest to
- 11 Capital Quarter -- between Third and Fourth, between
- 12 Fourth and Fifth, and between Fifth and Sixth for the
- 13 senior center.
- 14 I'm assuming that the Marines would want to
- 15 see what happens in front of their barracks and that
- 16 D.O.T. would like to see what happens in front of their
- 17 new building, so that we could begin to understand what
- 18 we'll be living with on a day-by-day basis and how
- 19 close it is to our homes.
- 20 The other thing that I would like to ask is
- 21 that we start talking about specific construction
- 22 techniques, especially what construction techniques can

- 1 be used to minimize, for example, noise and vibration
- 2 from a new permanent tunnel if that option is going to
- 3 be chosen. Thank you.
- 4 MR. HENSON: Laura, thank you for those
- 5 questions. I think that it is a great lead in to the
- 6 next element of this process. So the way that I'm
- 7 envisioning the next meeting is that we'll have
- 8 actually addressed both of questions at that point. So
- 9 having more info, block-by-block.
- 10 One of the reasons that we wanted to winnow
- 11 this down to three, plus a no build is so that we can
- 12 go ahead and look more in depth at what these would
- 13 look like. So more of a block-by-block view and then
- 14 also to begin to address potential construction
- 15 techniques that could minimize -- how they would
- 16 minimize the noise, vibration, as well as potential
- 17 construction time as well.
- 18 I'll add that in as a throw away -- not a
- 19 throw away. Excuse me. That's not what I meant. But
- 20 as an addition to what you were asking as well.
- 21 MR. PLANO: Laura, I just wanted to also add
- 22 that I think you're also thinking about construction

staging areas, in addition to maintenance of traffic. That is definitely our next stop. Having said that, we always try to look at construction staging and sequencing on a project. We'll lay that out as best we can. It could 5 be subject to change when contracts are let. We try to 6 go as far as we can without precluding or influencing the contract so much. We'll try to get that balance of the best approach and work with you on that. 10 MR. UNDELAND: All right. If we can get the third speaker come forward. As a housekeeping item, if 11 we can ask you to say your name and spell your last 12 13 That would be helpful. MR. SHIELDS: Hi. I'm Andrew Shields, (14 15) S-H-I-E-L-D-S. 16 CSX lobbying has wildly overstated the 17 benefits to this tunnel. Regardless of what happens 18 here on Virginia Avenue, the Howard Street Tunnel is 19 still your major bottleneck. Ships going to the Port 20 of Baltimore are going to pass four major ports to stop 21 at Baltimore to send rail south. It doesn't make any 22 sense.

40 Single tracking at Howard still forces the 1 rail between Virginia Avenue and Howard Tunnel to be underutilized. This process is never incorporated in any of the input from the community, as far as we can tell. 5 6 We were suggesting hybridized options since jump; talking about rerouting around the residential 7 portion, during the residential portion of the project and getting back to temporary tracking further down where the Marine barracks are and non-residential 10 11 areas. 12 The twin tunnel option is going to require a massive increase of the right-of-way, over the existing 13 right-of-way. As far as I can tell, you only have 45 14 15 feet at the moment. The twin tunnel is going to give 16 you 67 feet at the end of the day. That's incredible 17 land seizure, especially given that the 1901 statute 18 says you're not allowed to dig anything up, and 19 certainly, you're not allowed to lay any more temporary 20 tracks. 21 Given all these statements, CSX, especially given the constraint of the Howard Street Tunnel is

- 1 still going to exist. Can CSX achieve any of the
- 2 benefits that it's set to achieve at the outset of this
- 3 process?
- 4 MR. HENSON: So I won't comment on the CSX
- 5 benefits, in particular, as it relates to Howard
- 6 Street. I'll let CSX answer or not answer, as they
- 7 wish, on that.
- 8 MR. DOBSON: Chip Dobson from CSX; project
- 9 coordinator for the Virginia Avenue Tunnel. In
- 10 general, a couple of things, to address what you said
- 11 about the CSX flow of traffic. CSX flow of traffic
- 12 through this area is obviously north and south.
- 13 Yes, the Howard Street Tunnel is not double-
- 14 stack capable; however, when you look at the Virginia
- 15 Avenue Tunnel that we're referring to, you know, there
- 16 are three areas where those benefits are derived. One
- 17 is from a new construction tunnel that has reliability
- 18 for decades to come.
- 19 There is the double-track aspect, which keeps
- 20 trains flowing through the District without having to
- 21 stop to wait for opposite traffic, realizing the
- 22 proximity to the west, the close proximity of

- 1 additional passenger train traffic going into and out
- 2 of Washington Union Station, Amtrak and VRE.
- 3 The aspect of the double-stack capability
- 4 speaks a lot to flow of traffic from ports, Baltimore
- 5 and south, the flow of traffic to and from the
- 6 Midwestern United States, which is a tremendous area --
- 7 it's a tremendous population area with a lot of freight
- 8 traffic flowing, both from the west, out of Chicago,
- 9 the largest rail area in the country. So that's really
- 10 what the overall benefits are from those three aspects.
- MR. HENSON: If I got it correct, your second
- 12 comment or question is that we have not incorporated
- 13 input from the community, correct?
- MR. SHIELDS: Yeah.
- MR. HENSON: Okay. One of the ways that
- 16 think we're addressing that, at least at minimum, is
- 17 also transitioning this from EA to an EIS.
- 18 Now, there's also -- I can understand the
- 19 case that you're saying that we haven't responded on
- 20 the alternatives, but we have moved up the level of
- 21 analysis from EA to EIS. So we've at least partly
- 22 addressed some of the concerns. I'm trying to, at

- 1 least, define some of things we've done.
- 2 We have not necessarily kept every single
- 3 concept that some parts of the community have wanted.
- 4 You're absolutely right.
- 5 MR. SHIELDS: But you also haven't integrated
- 6 or even addressed certain ideas that we have presented
- 7 to you, such as partial reroutes. You threw out the
- 8 entirety of Option 7 without justification.
- 9 The justification in the fact, I believe says
- 10 something about how it would increase the duration of
- 11 the project which makes no sense whatsoever. So a
- 12 partial reroute around the most effected blocks was
- 13 never addressed and it was dismissed out of hand.
- MR. HENSON: Sure. Let me assure you, it was
- 15 definitely not dismissed out of hand. There is quite
- 16 an effort to look at that particular alternative. That
- 17 would obviously be a concern of the community tonight
- 18 that that concept did not move forward. With that, I
- 19 will ask to see if we can get a little more feedback on
- 20 the discussion on Alternative 7.
- 21 Well, we might as well now. This is one of
- 22 the pressing questions.

MR. DOBSON: Again, Chip Dobson from CSX. 1 Specific to Concept 7, as was presented the last time, just a quick review. Concept 7 was the idea of reconstructing the tunnel in place, where it is now, 5 using open trench construction as opposed to as you have over there, Concepts 2, 5, and 6. Instead of accommodating traffic through the existing Virginia Avenue Tunnel during construction, that Concept 7 was the idea that during construction, rerouting the 10 traffic away from the tunnel area. 11 To your particular piece of rerouting it 12 around part of the area, I mean, I think I would be 13 happy to discuss that with you later in detail. knowledge, that has not been brought up before. 14 15 not sure how you reroute either -- if you're thinking 16 of rerouting a portion of the traffic or around a 17 portion of the area, the portion of the traffic was 18 looked at and essentially, you still end up with what 19 is Concept 6. It's otherwise under Concept 7. 20 rerouting all the traffic during construction. 21 So what we looked at in the detailed analysis 22 that we presented to Federal Highways and DDOT was we

- 1 took a scenario of the least impactful combination of
- 2 available reroutes. They were 1) through Washington
- 3 Union Station, over the existing Amtrak tracks to then
- 4 reconnect with CSX north and south of the Union Station
- 5 area.
- 6 The issue there is that for a variety of
- 7 reasons and validated by Amtrak officials, you're not
- 8 going to get more than two freight trains per day
- 9 through Washington Union Station.
- 10 When the bridge was under emergency repair
- 11 several years ago, that's what was done, with limited
- 12 success, for a short period of time. That was used as
- 13 the basis and that was validated.
- 14 There's basically the volume of traffic
- 15 through Washington Union Station, the routes that are
- 16 available, equipment capability issues, limit that at
- 17 very maximum to two trains in a 24-hour period. So we
- 18 took that and said okay, we could possibly do that.
- 19 Then the next, in terms of mileage, least impactful
- 20 route is out to the west interchange on Norfolk
- 21 Southern Railroad.
- 22 Looking at the realities of railroad capacity

- 1 and routing, you know, up to but no more than about a
- 2 third of the current traffic through the Virginia
- 3 Avenue Tunnel could be accommodated for the overall
- 4 capacity on those Norfolk Southern routes.
- 5 So it's either going to go through Union
- 6 Station, up to two trains a day; possibly up to one-
- 7 third on Norfolk Southern. The rest could be rerouted
- 8 on a variety of CSX routes, but generally, if you look,
- 9 there are two rail route maps over there, one that
- 10 shows the eastern half of the United States and one
- 11 shows about 100 miles out from Washington, D.C.
- 12 Given the geography of the CSX network,
- 13 depending upon the origin and destinations, you're
- 14 adding some multiple, hundreds of miles for each train.
- 15 The other reality factor is that a percentage of the
- 16 traffic the currently goes through the Virginia Avenue
- 17 Tunnel on CSX is contractually high priority, time-
- 18 sensitive traffic.
- 19 We did an analysis by train, by carload, and
- 20 realistically, for the couple of trains a day that
- 21 could not go through Union Station, industry indicators
- 22 and contractual agreements would have that that traffic

47

would, in all likelihood, revert to by the shipper, not by CSX, revert to truck traffic. So the sum total of that impact on a monthly basis is going to equate to somewhere upwards of 3.5 million gallons of diesel fuel to accommodate all of 5 that rerouting, either on train or on truck. That's 3.5 million gallons per month of diesel fuel used to do 8 that. So the rerouting, Concept 7, would cut down some on the duration of the project, say as compared to 10 11 Concepts 2 or 5, but it's sort of that in that 12 construction work that is sort of a fixed cost and variable cost. 13 There are parts where it doesn't matter if 14 15 you're doing a temporary tunnel, twin tunnels or a single tunnel, you still got to do things. So it does 17 not cut it in half, but any means. 18 So you're still left with open trench 19 construction and that extensive fuel use every month 20 and the use of hundreds of trucks per day and all the 21 loads for all those trucks were based on the origins

and destinations of the individual shipments were in

- 1 excess of 750 miles.
- 2 The metric that we used was the most amenable
- 3 to making that work, which was 750 miles, where in
- 4 reality, many of them -- all of them are 750 or in
- 5 excess. So that's really the level of detail that we
- 6 looked at.
- 7 One of the comments previously was just don't
- 8 look for the answer, look for the family of answers.
- 9 And that's what we took on as the feedback and that's
- 10 how we worked the analysis and presented that in depth
- 11 and in detail to DDOT and Federal Highways.
- MR. HENSON: The only thing I'll add to what
- 13 Chip said is that that will be documented in the DEIS
- 14 when it comes out in the fall. So you'll see that when
- 15 it comes out.
- 16 You also had another question and then I'll
- 17 defer back to our previous answer. I think you
- 18 mentioned 45 to 67 feet, correct?
- 19 MR. SHIELDS: Yes.
- 20 MR. HANSON: And I'll refer back to a
- 21 previous answer that the right-of-way, we're still
- 22 working to determine what the right-of-way would be and

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49
   how that arrangement would work.
              MR. UNDELAND: Thank you. I hope that
   extensive answer answered a good bit of your questions.
   After the formal session here, if you want to catch
   people, please do.
 5
 6
              Our fourth speaker is?
             MS. VAN CAMP: Hi. My name is Ann Van Camp.
    Its V-A-N space C-A-M-P. I live (
 9
10
                                            ) I have three
    questions.
11
              I'm glad we moved to the EIS. We're
12
    obviously all very pleased about that. So thank you
13
    for that. I've been reading up a little on it. I'm
15
    totally not an expert on EIS, but one of the things
    that I understand you're expected to measure are the
    social and economic impacts on the human environment.
17
18
              I was wondering if you have some way that you
    could explain how you measure that. You can measure
19
20
    lots of other things, but how do you measure the social
21
    and economic human impact that we are all going to
   going through?
22
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- 1 Secondly, someone else had already mentioned
- 2 this but I would like to also ask if you could please
- 3 give us a little bit more detail on what this is going
- 4 to look like during construction.
- 5 We see this kind of very clean drawings of
- 6 what the tunnel might look like right now and then we
- 7 see a clean picture of a pretty street afterwards, but
- 8 we all know that it is going to be pretty ugly during
- 9 the construction period and we'd like to have a little
- 10 more detail on that.
- 11 Third, I would just like to ask that the
- 12 noise analysis that you plan to do isn't just about
- 13 rail noise. It's going to be a lot of noise with that
- 14 construction.
- We'd like to know if you measure the sound of
- 16 a backhoe at 7:00 in the morning because we kind of
- 17 know what that sounds like. So I hope that you will
- 18 take that into consideration. Thank you.
- 19 MR. HENSON: I'm going to go out of order
- 20 just a bit. I will defer to social and economic
- 21 impacts to Steve, momentarily. What will it look like
- 22 during construction? Again, I think that will be

- 1 something that we look at and talk through at the next
- 2 meeting. Once we've gotten three concepts chosen, the
- 3 idea is that now we'll go into more depth.
- 4 So that's another one of the things similar
- 5 to what we talked about earlier with Laura. That will
- 6 be one of the elements that we'll hopefully be able
- 7 have more information about next time.
- 8 You had the question about noise, from rail
- 9 as well as construction. All of that will be analyzed
- 10 and then it will include the noise from the road as the
- 11 background as well. Steve, I will now defer to you.
- MR. PLANO: Generally, when we talk about
- 13 socio-economics, it's a host of things. Everything
- 14 from looking at the neighborhood and what the impacts
- 15 would be from a visual standpoint, cohesion during
- 16 construction the maintenance of traffic and what the
- 17 impact would be to the social environment.
- 18 From an economic standpoint, if we were doing
- 19 a large highway job where there were a number of
- 20 displacements, we would look at what the impacts would
- 21 be in terms of things like loss for the tax base for a
- 22 local region. We would look at those types of impacts,

- 1 but also potential property impacts.
- 2 So we would be looking at a whole host of
- 3 those things, all kind of under the umbrella of socio-
- 4 economic. But it's basically community type things.
- 5 It's your neighborhood. It's how it's going to look or
- 6 how it's going to look when it's done. How it's going
- 7 to look during construction.
- I think you made a great comment, from a
- 9 construction standpoint, I think maybe at the next
- 10 meeting or a small community meeting, we can get back
- 11 and start sharing some potential construction scenarios
- 12 and what types of equipment would be out there and
- 13 those types of things.
- I think that was a great comment. We'll
- 15 definitely do our homework and get back to you on some
- 16 of those. Does that help answer your question?
- 17 Socio-economics is kind of a broad brush, but
- 18 there is a host of things underneath it.
- MS. VAN CAMP: Okay. Thank you.
- 20 MR. UNDELAND: All right. Our fifth
- 21 speaker, state your name and spell your last name,
- 22 please?

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53
              MR. SIMMETH: Yes. My name is Harry Simmeth,
 1
    S-I-M-M-E-T-H.
 3
              I've got a lot of questions that I'd like to
    ask, but I think most of the most important ones have
 5
   been asked. So I'm going to ask a more technical one.
 6
              There seems to be almost a fascination with
   open trench technology. Now, let me rephrase that.
    There must be some requirement -- some technology
10
   necessity that everything is either don't build or
11
   build an open trench.
12
              When a lot of the Metro system was built
13
   here, it was built cut and cover. Dig a hole; start
    working in it and overlay the street with metal or some
15
    other object to cut down the noise and cut down the
16
    danger of somebody falling the hole or whatever.
17
              What is the technical requirement or is there
    some other requirement that's driving CSX towards open
19
    trench construction?
20
              MR. HENSON: I can tell you a lot more on
21
    that and we can get folks that have a lot more
    understanding on the engineering design of that. One
22
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- 1 of the concepts we actually push CSX to look at was a
- 2 deep bore tunnel, similar to what D.C. water will be
- 3 building down to Blue Plains, basically up along and
- 4 underneath the Anacostia River and various places.
- 5 A deep bore tunnel, in order to miss the
- 6 tunnel for D.C. water to miss other sewer tunnels, to
- 7 miss bridges, to miss rivers, and then hit grade, would
- 8 have to begin below Reagan National Airport and would
- 9 come out just on the other side of Deanwood. So that
- 10 was, in essence, infeasible.
- 11 So the only real option left -- and we looked
- 12 at ways to try to tunnel it from various points in the
- 13 city and there was no place in the city where we felt
- 14 like we could down fast enough, under bridges, roads,
- 15 rivers and back up above bridges roads and rivers in a
- 16 way that we could do it. So that's kind of the high
- 17 level.
- Now, if there are more technical questions
- 19 that you have because I'm surely not smart enough to go
- 20 explain the technicality on its own.
- 21 MR. SIMMETH: I understand. I wasn't talking
- 22 about the deep bore option because that looks like

- 1 pretty science fiction stuff to start with. What I was
- 2 talking about was what is the possibility or the
- 3 technical feasibility of covering over the trench,
- 4 during construction, particularly, if there's a
- 5 temporary trench that the trains are running through?
- 6 MR. HENSON: Oh, I'm sorry.
- 7 MR. SIMMETH: I understand you have to open
- 8 it up, but then are you going to leave it open for
- 9 three years?
- 10 MR. HENSON: I'm sorry. I misunderstood.
- 11 Forgive me. That, I will defer to someone else. I
- 12 can't talk about construction techniques.
- 13 MR. GULLAKSON: Hi. I'm Chuck Gullakson with
- 14 CSX's engineering department. There are a number of --
- 15 and we have discussed that internally and looked at
- 16 that as an option and what the complications are.
- 17 The challenge at this location is that the
- 18 Virginia Avenue Tunnel itself and the level of tracks
- 19 are very shallow compared to the street.
- 20 As you saw on some of the concept drawings
- 21 that we have labeled here, much of that tunnel is only
- 22 five feet of cover from the roof to the street level.

- 1 In some places it gets up to as much as 12 and 13 feet,
- 2 but the bulk of that is about in the five-foot range.
- 3 So you run into a couple of issues to try to
- 4 cover the tunnel during construction because you're so
- 5 constrained, the equipment inside does not have enough
- 6 room to work because you have such a low amount of
- 7 cover.
- 8 Typically, too, if you want to -- with that,
- 9 if you were to cover the entire tunnel, that only
- 10 leaves you only a couple of ways to get out of the
- 11 tunnel. That's basically each end.
- So what ends up happening is that you just
- 13 end up working right on top of yourself and it
- 14 lengthens the overall duration of the project. If
- 15 everything has to come in and out only two holes,
- 16 openings, if you will, then you're in the way of your
- 17 equipment the entire time. So it ends up lengthening
- 18 the time for construction.
- 19 Be sure to understand, too, as we have shown
- 20 on our maintenance of traffic drawings, the cross
- 21 streets will have a bridge deck to go across to carry
- 22 the traffic across at each of the cross streets.

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    That's what we have in the preliminary maintenance of
    traffic plan.
              MR. UNDELAND: All right. Our sixth
    commenter, please step forward and state your name.
 5
              MS. JONES: My Lisa Dale Jones, J-O-N-E-S. (
 6
              ) My question has to do with the noise, the
    social impact that we were talking about.
 9
              First of all, we've noticed that the trains -
    - I'm curious of why the trains currently have to blow
10
11
    their horns. There's no grade crossing. So I'm
    wondering, are there going to be more trains going
12
    through when this is done, which means more horns
13
   blowing or is there some way we can get a waiver so
15
    that they don't have to blow their horns because it is
16
   pretty loud and there will be more trains, I'm
17
    assuming, when this is all done and there is no grade
18
    crossing.
19
              During construction, I know that you are
20
    going to be doing noise and vibration studies along the
21
   area where the tracks are going to be, but I'm
22
    wondering, during construction if there's going to be
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- 1 heavy equipment moving in and out, using streets
- 2 further into Capitol Hill and the historic district.
- 3 If that during construction you're going to have heavy
- 4 trucks taking dirt out.
- 5 Whatever it's going to be, will you be doing
- 6 noise and vibration studies along the whole route that
- 7 those are going to take because you have historic
- 8 buildings along that whole route that could be
- 9 affected.
- 10 So my questions have to do with the horns on
- 11 the trains, why are we hearing them at all and will
- 12 there be more trains going through, and therefore, more
- 13 horns?
- 14 And will be noise and vibration studies done
- 15 on the whole route that construction could affect and
- 16 not just the area along the tunnel?
- 17 MR. HENSON: So again, I will answer your
- 18 latter question first and then I'll defer to Steve
- 19 Flippin, I'm guessing, who will address the horn issue.
- 20 I know that's been a hot button issue for the
- 21 neighborhood.
- 22 As part of the construction maintenance plan,

- 1 what DDOT will require is that we will require the
- 2 contractor to submit to us an access plan that shows us
- 3 exactly where construction vehicles will come in and
- 4 out. And we'll be very diligent to make sure that we
- 5 minimize noise impacts, noise vibrations to residents
- 6 and make sure that it's accounted for that way.
- 7 The goal is not to have heavy construction
- 8 trucks any closer to historic resources, in particular,
- 9 than necessary. With that, I'll defer to Steve on the
- 10 horn issue.
- 11 MR. FLIPPIN: Steve Flippin with CSX. I do
- 12 our community affairs and I'm also local here in D.C.
- 13 Horns are something that I hear about all the time, so
- 14 I definitely can relate.
- Horns are a safety measure. They're there to
- 16 alert people that a train is coming. Also, if there
- 17 are individuals in the tunnel, then they're used to
- 18 alert them into the tunnel. They're required to blow
- 19 as they enter the tunnel and as they leave to let
- 20 people know the train is coming.
- 21 As we go through this project, we are looking
- 22 at redoing the signaling so that we can potentially

- 1 eliminate the horn, as it would blow, coming in and out
- 2 of the tunnel because of new technology that we
- 3 developed and because of the signaling that would be
- 4 added for this new tunnel.
- 5 MR. UNDELAND: Our seventh speaker, could you
- 6 come up to the microphone and indentify yourself?
- 7 MR. GARBER: My name is David Garber, G-A-R-
- 8 B-E-R. I'm the ANC Commissioner for this District. My
- 9 first question is about the timelines for each of these
- 10 concepts.
- 11 I'm wondering if you can go over the
- 12 individual timelines for each of the presented
- 13 concepts, including the construction phasing for each
- 14 of them. And if not now, when that information is
- 15 going to be made public so that the community can have
- 16 the best information possible.
- 17 My second question is what guarantee does the
- 18 community have that in Concept 5 that the new permanent
- 19 tunnel on the south side of the existing one won't be a
- 20 Phase I with construction delayed on the reconstruction
- 21 of the existing tunnel.
- 22 And thirdly, I'm curious about the process

- 1 for keeping or eliminating the no-build concept, and
- 2 who is involved in that decision and how is an
- 3 objective decision made. Thank you.
- 4 MR. HENSON: Sorry. Hold on, David. Don't
- 5 get too far. I may need you to clarify just a bit.
- 6 Let me start with the last one. You talked about
- 7 eliminating the no-build. How do we know which options
- 8 to eliminate? Is that kind of the essence of the
- 9 question?
- 10 MR. GARBER: Well, it sounded like what you
- 11 were talking about mostly tonight have been the three
- 12 other concepts, besides the no-build, when it is, in
- 13 fact, still one of the four options presented.
- 14 So I'm curious about keeping or eliminating
- 15 the no-build option because that's one that we haven't
- 16 really talked about. It's as legitimate right now as
- 17 any other concept. So I'm curious about how that
- 18 decision is going to be made.
- 19 MR. HENSON: Right. The way that NEPA, kind
- 20 of at a basic level is that you keep the no-build in
- 21 order to make sure there's some level of a baseline to
- 22 compare to. There will be no getting rid of the no-

- 1 build because that's always an option. So we'll keep
- 2 that because NEPA requires us to, basically. The
- 3 process law requires us to keep that. So there will be
- 4 no getting rid of it.
- Now, there'll be a time where, maybe that's
- 6 not chosen as a preferred alternative, but it will stay
- 7 until the end, until that decision is made.
- 8 So you talked about Concept 5. My notes are
- 9 failing me here. You talked about how do we know if
- 10 the tunnel on the south is built that there won't be a
- 11 delay in Phase I; is that what I'm hearing?
- 12 MR. GARBER: Well, that there won't be a
- 13 delay in completing the rebuild of the existing tunnel
- 14 because that option is basically doing that first
- 15 tunnel and then doing the second tunnel. I'm curious
- 16 as to what guarantee the community has that that's
- 17 going to happen at the same time or that it would be
- 18 extended.
- MR. HENSON: Ultimately, there will be some
- 20 level of agreement that DDOT will have to enter into
- 21 with CSX, and that's in the future, where we would talk
- 22 through that. I don't have the answer for that, but we

- 1 don't have any interest in lengthening the time that
- 2 the community is going to be disrupted.
- That's one of the reasons why we transitioned
- 4 this from EA to an EIS because we knew that it was
- 5 going to be a long -- it's more than a short-term
- 6 construction project. So we knew that that was going
- 7 to be an impact. So that was one of our indications to
- 8 the community that we think that this is important and
- 9 it needs to be addressed.
- 10 Let me get back to your first question, the
- 11 timeline for each concept. On that, I'll defer because
- 12 I'm not the expert to talk through relative timelines
- 13 or when. Obviously, the more detail we get, the more
- 14 we're able to talk to that, but at the moment, I'm not
- 15 sure how well we are or not able to talk through
- 16 timelines.
- 17 Again, these are conceptual timelines.
- 18 You're not going to hear that this is a 26-month
- 19 process and this is a 23-month process and this is 18
- 20 months. This is kind of a more basic level, three
- 21 years, maybe two and a half.
- MR. GARBER: No, I understand that. For the

- 1 community, I think hearing those numbers will help us
- 2 to be able to analyze these concepts so we can tell you
- 3 all which ones are preferred from us.
- 4 MR. HENSON: Understandable. It's a very
- 5 reasonable question. I'm not sure if we have that
- 6 information or not. Keith, you're welcome to take a
- 7 stab at it.
- 8 MR. BRINKER: Good evening. I'm Keith
- 9 Brinker with CSX. We've looked at general construction
- 10 timelines for the various concepts. Generally, the
- 11 online corridor Concepts 2 and 5 is estimated at two
- 12 and a half, three and a half-year timeframe.
- 13 Concept 6 is a little longer. That's
- 14 estimated at three plus years. I mean, to get into a
- 15 greater details is what we'll be doing in the EIS
- 16 document. What we've got to understand better is the
- 17 construction methodologies, the way the project will
- 18 progress will be some of the questions tonight, and
- 19 we'll have answers to those questions as we continue.
- 20 MR. GARBER: Okay. Thank you. Just to
- 21 clarify, the concern is about the overall timeline and
- 22 then also the phasing timeline within each of the

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1	options.	
2	MR. FLIPPIN: That answered the question.	
3	MR. BRINKER: Thank you.	
4	MR. UNDELAND: Our eighth speaker. Thank	
5	you.	
6	MR. EDWARDS: Thank you. My name is Monty	
7	Edwards. I'm representing the committee of 100 on the	
8	Federal City. E-D-W-A-R-D-S.	
9	My concern is about the noise and vibration	
10	study. From what we've heard tonight, the focus seems	
11	to be on the noise and vibration associated with	
12	construction. I would like to ask that the study also	
13	embrace and a noise and vibration study post-	
14	construction, recognizing that these will be, by in	
15	large, projections.	
16	1) We know that there will be more frequent	
17	trains. 2) We know that with two-way traffic you will	
18	eliminate the stopping of the trains. So there will be	
19	faster trains.	
20	So my question is do you have experience above	
21	grade with trains passing each other and the harmonic	
22	vibrations and what happens there? What happens in the	

- 1 different tunnel configurations in terms of the
- 2 harmonic vibrations of two trains that are meeting each
- 3 other? Do they cancel out?
- 4 Do they reinforce each other? I think we
- 5 need to know how many trains you're protecting when
- 6 it's completed and how many trains you're projecting,
- 7 per day, five years after completion and the speed of
- 8 those trains that are projected to traverse, both
- 9 southwest and the tunnel. And the impact of the
- 10 vibration and noise, not only in the immediate study
- 11 area you've defined, but west of the tunnel where it's
- 12 open, we're already experiencing the noise of the horns
- 13 and other problems. Thank you.
- MR. HENSON: Don't go anywhere. You had a
- 15 lot of questions, so let me repeat those back first.
- 16 I'm still writing.
- 17 So Question 1, you mentioned that we talked
- 18 through noise and vibration of construction. You're
- 19 concerned about permanent noise and vibration.
- The second question was related to the actual
- 21 noise that was about potential faster trains, harmonic
- 22 vibration when trains go past each other at a higher

- 1 speed, potentially.
- 2 Third was a combination of a number of trains
- 3 five years out and how that would work with the speed
- 4 of the trains and then talk through how that might
- 5 impact areas west of the site.
- 6 MR. EDWARDS: That's correct. Five years
- 7 out, I'm looking at, primarily, frequency of trains and
- 8 the speed at which they will go through the tunnel.
- 9 MR. HENSON: Okay. All right. I'll divide
- 10 this up because I can't answer any of these. Forgive
- 11 me. Mike, can I put you on the spot on the first one
- 12 for noise vibration post-construction? That ends up
- 13 going toward a scope question -- either you or Steve.
- 14 I can't answer that.
- 15 MR. HICKS: I'm Mike Hicks with Federal
- 16 Highway. When we look at EIS, we look at the immediate
- 17 impact of EIS. I don't know. I'm not really sure, in
- 18 terms of post-construction for a five-year period. I
- 19 guess we could consider something like that. But
- 20 again, it would an estimate. I mean, I don't know
- 21 whether CSX knows the volume of the train traffic at
- 22 that late a date. I mean, I'm not really sure.

- 1 MR. EDWARDS: I appreciate it would be a
- 2 projection, but I think CSX is in the best position to
- 3 make that kind of projection.
- 4 MR. HICKS: Well, it's Federal Highway. I
- 5 certainly can't answer that question. In the NEPA
- 6 document, I don't know that we would look that far out.
- 7 I don't know really know that I have a good answer to
- 8 that question at this point. That's a good question,
- 9 but I don't really have an answer. We could discuss, I
- 10 guess, internally, to see what we could come up.
- MR. EDWARDS: Thank you.
- MR. HENSON: On the issue, I'll defer to the
- 13 CSX team. Steve or Chip?
- MR. FLIPPIN: We're going to split this up a
- 15 little bit and let Chuck speak to some of the technical
- 16 issues and I'll talk about growth.
- 17 As you know, freight growth is based on
- 18 consumption. As you also are aware, the number of
- 19 people that reside in the District and regions around
- 20 the District continues to grow. The census numbers
- 21 continue to increase and with that, the demand for
- 22 freight movement continues as well.

We predict what the freight growth is going 1 to look like for us on hopes that we're able to continue to maintain the traffic we have and grow traffic, and that's based on capacity that we have. But again, it's all a projection and it's based on 5 6 assumption. Again, for this market, that consumption is going to continue to grow. Right now USDOT predicts that every person, on average, consumes 40 tons of 10 freight. With the expected census numbers for the next 11 15 years, you're looking at another 57 million tons of 12 freight that are going to move through the Washington 13 region. Whether they're going to move by train or 14 15 truck, as I talked about earlier, those are the choices 16 that you have here, by being able to fix some of this 17 capacity when you're encouraging it to move by rail so 18 that we can continue to call for that solution, which 19 reduces emissions and lower logistic costs and has all 20 the benefits that freight rail brings over trucks. 21 MR. EDWARDS: When you give that projected number, could you also give the assumptions that went 22

70 into that projected number? 2 MR. FLIPPIN: We do. We've done that in presentations that did. MR. EDWARDS: Thank you. MR. FLIPPIN: So you can look at both the census numbers that have been projected and the USDOT numbers that were used to figure out freight. We'd be glad to give that in a more formal part of this as well. Chuck, do you want to talk about the other two, 10 harmonic vibration and speed? 11 Chuck Gullakson, once again, with MR. GULLAKSON: There are actually several factors, 12 CSX engineering. 13 as I'm sure you're aware of. In fact, that's one reason why we're out of course taking soil borings and 15 geotechnical information is to get an understanding of the type of soil condition out there. That, in turn, 17 of course, affects the design of the tunnel. 18 We're looking at various designs, be it 19 piling types of wall construction, support of 20 excavation and the flooring itself, along with the 21 track structure too. That all will develop as a design advances for each of the concepts. We're looking at

71

all those factors to determine what type of vibration would potentially get involved with each of these concepts. We also have Ahmed El-Aassar, who is here in the room with us. He's definitely our noise and vibration expert. He can certainly speak to more of that. He's got his hand raised back there in the back. So he can certainly speak much more about the science and such about noise and vibration. 10 Also, concerning the speed, that's also being developed in concert with the same design work that 11 12 would be done in concert with the EIS process for 13 these. MR. EDWARDS: I appreciate speed would be a 14 15 projection, but again, can you give the range and the assumptions that underlie the projected speeds? 16 17 MR. GULLAKSON: That will come out as part of 18 this process in EIS. 19 MR. EDWARDS: Thank you. 20 MR. UNDELAND: We've only got 10 minutes, 21 folks. So if we could keep it moving. Thank you. The

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next speaker, please.

72

- 1 MR. MILLAR: Hi. My name is Fred Millar. I
- 2 initiated the rerouting ordinance in D.C. that would
- 3 try to force CSX to reroute the most dangerous cargos
- 4 away from the Nation's Capitol. The last name is M-I-
- 5 L-L-A-R.
- I have a couple of hazmat questions.
- 7 Earlier, we tried to push CSX to reroute the most
- 8 dangerous cargos. In fact, they were, in effect,
- 9 bullied into rerouting "voluntarily" some of the cargos
- 10 around D.C. It would be useful to know what the routes
- 11 are that they are using for that.
- 12 As you know, in the first meeting that you
- 13 had here -- well, in the second meeting, you did not
- 14 show, neither the agency, nor CSX brought a map of the
- 15 real reroute, which is the Norfolk Southern line, 50
- 16 miles west of D.C. Now you have a couple, but they are
- 17 very inconspicuous over there. We've never really been
- 18 presented with that as a real option.
- 19 Here's my question. I've heard tonight that
- 20 in the EIS you will have to consider that, in fact.
- 21 That will be one of the considerations in the EIS, a
- 22 rerouting onto Norfolk Southern.

If you've already developed a bunch of 1 arguments about why you can't do that, I would urge to quickly put that onto the web pages in the frequently asked questions and so forth so that the community can start to consider that, please. 5 6 Secondly, we would like to know how many cargos are you currently rerouting and which of the 7 8 ones that you are rerouting and on which lines, whether it's the CSX lines through Cleveland or whether they're 10 the lines through Hagerstown, and so forth, on the 11 Norfolk Southern line. 12 Then lastly, what are the cargos that you're 13 still bring through here and which will continue to go through D.C. during the construction if any of those 14 15 options were adopted, the open trench and so forth? 16 What are the impact zones of those cargos? 17 In other words, we've been constantly trying to get the 18 railroads to show us what the worst-case scenarios are. 19 If you're rerouting the most dangerous cargos, that's 20 fine, but what are the ones that are remaining -- for 21 example, could it include ethanol that would be going to the Alexandria unloading docks that exist there? 22

74

- 1 We just want to know what's going on there
- 2 and what are you impact zones, you know, having a nice
- 3 map showing, say, the 10 most dangerous cargos would be
- 4 very helpful. Thank you.
- 5 MR. HENSON: As I mentioned earlier, on the
- 6 diversion routing, that will be more detailed on the
- 7 DEIS.
- 8 When the DEIS comes out in the fall, four to
- 9 six months, give or take, that will be much more clear
- 10 in that. Chip gave a discussion of that earlier, but
- 11 the in-depth discussion of that will be in the draft
- 12 EIS.
- How many cargos are rerouted? You know, I
- 14 can't speak towards CSX's dealing with hazardous or
- 15 what are considered hazardous cargos. That's really
- 16 not germane to this discussion, but CSX is welcome to
- 17 comment on their cargos and what they do and don't do.
- 18 This process is really about the capacity for Virginia
- 19 Avenue Tunnel and rebuilding that tunnel.
- 20 MR. MILLAR: Let me just tell you why it's
- 21 relevant. When we first approached CSX about
- 22 rerouting, they said we will never reroute any of our

- 1 hazmat cargos over to that competitor railroad, Norfolk
- 2 Southern. And then it turns out that once we got into
- 3 Court with them, their expert had to admit that they
- 4 actually do interchange cargos 1.5 million times a
- 5 year.
- 6 So the question is not a hazmat question, per
- 7 se. It's a question about a realistic, viable
- 8 alternative that is already being used and we need to
- 9 see that vividly.
- 10 MR. HENSON: Right. Why can't it be used
- 11 again is the essence of your question.
- 12 MR. MILLAR: Right.
- MR. HENSON: Again, I'll defer back to the
- 14 previous answer that it will be much more clearly
- 15 articulated in the DEIS.
- Now, you did mention impact zones of cargo.
- 17 CSX is welcome to answer that, or not, at this time.
- 18 MR. BRINKER: Again, Keith Brinker with CSX.
- 19 Some of the questions that you're asking of a Homeland
- 20 Security nature and is very sensitive information, is
- 21 what I'm sure is obvious to the audience and also to
- 22 you, Mr. Millar.

76

- 1 We got with us, John Walsh, who is in our
- 2 Infrastructure Protection Group. John, I'd like you to
- 3 come up to the podium and answer the question or
- 4 provide a response, please.
- 5 MR. WALSH: Hello. My name is John Walsh
- 6 from the Infrastructure Protection team. Mr. Millar,
- 7 to answer your question -- or to your point, actually,
- 8 CSX, at the present time, we do not route toxic by
- 9 inhalation or poison by inhalation hazard products
- 10 through the District of Columbia.
- 11 We do not route explosives through the
- 12 District of Columbia. We do not route liquid propane
- 13 gas through the District of Columbia. I'm not quite
- 14 sure of the answer you're looking for.
- 15 MR. MILLAR: What about some of the others
- 16 like, perhaps, ethanol and others that could have quite
- 17 -- if people are living with two blocks of the line, it
- 18 seems to me that you guys need to say what are the most
- 19 dangerous cargos that we are continuing to bring
- 20 through. I'm only talking about for emergency response
- 21 purposes.
- I'm not looking at from the terrorist aspect,

- 1 necessarily. That's something that would be relevant,
- 2 but I'm just saying that people ought to have a sense
- 3 of what are the remaining hazmat cargos that are still
- 4 coming through, insofar a lot of those are -- for
- 5 example, the ones that caused the Howard Street Tunnel
- 6 fire in Baltimore in 2001 and so forth.
- I mean, that was not one of the ones that you
- 8 just mentioned. That was some other kind of
- 9 combination of chemicals, as I understand it.
- 10 MR. WALSH: Right. Just to get back to your
- 11 point again about the TIH or the poison by inhalation
- 12 hazard cars. For us to identify, I don't think this is
- 13 the appropriate forum. I'm not a service design or
- 14 service planning expert. I handle Homeland Security
- 15 issues. So I can't tell you for a fact where the
- 16 rerouting occurs.
- 17 I can tell you for a fact that it does not
- 18 traverse through the District of Columbia. I think you
- 19 would appreciate our concern not to advertise where
- 20 someone who may have malintent could readily find
- 21 chlorine cars or hydrous ammonia cars.
- 22 So that's something that I would welcome you

- 1 to address, if you prefer to fill out a comment card
- 2 and expect to get some sort of further feedback, but at
- 3 this time, as it pertains to this project, it doesn't
- 4 pertain to the project because that's currently not
- 5 traversing through the tunnel.
- 6 MR. FLIPPIN: Just so you're aware, CSX does
- 7 work with emergency responders in every community.
- 8 Those emergency responders do have access to top 10
- 9 chemicals that would go through any area.
- 10 Again, with CSX and the District, we do not
- 11 carry highly poison by inhalation, toxic by inhalation,
- 12 flammable, or explosives.
- 13 Again, the emergency responders do have that
- 14 information. We also help provide them training of how
- 15 to deal with situations and that's something that CSX
- 16 does on a regular and routine basis.
- 17 MR. WALSH: Just to touch on Steve's point,
- 18 we produce studies at the request of all the first
- 19 responders. You can contact our headquarters in
- 20 Jacksonville. We've got the top commodities going
- 21 through that area.
- We do online training for first responders.

- 1 We do face-to-face training for first responders. Our
- 2 hazmat team has a safety train that travels our system.
- 3 We train fire departments. We send out community
- 4 awareness and resource guides to the 13,000
- 5 jurisdictions that we operate through, every other
- 6 year.
- 7 MR. MILLAR: In Alexandria, when they were
- 8 talking about the ethanol out floating, the local fire
- 9 department identified the hazard zones for the
- 10 residents because they were concerned. It seems like
- 11 the federal and local agencies ought to be able to do
- 12 the same thing at least --
- 13 MR. UNDELAND: I'm sorry. This is a very
- 14 good and important discussion, but I'm going to ask
- 15 that it be moved on to after the meeting. We've just
- 16 got five minutes left before 8:00. Can our eighth
- 17 speaker come up, please? Is that our ninth speaker?
- MS. HOLMES: No. I would be the tenth
- 19 speaker.
- 20 MR. UNDELAND: Oh, tenth. I'm sorry. I beg
- 21 your pardon.
- 22 MS. HOLMES: Hello. I'm Shauna Holmes.

- 1 That's S-H-A-U-N-A, and Holmes as in Sherlock. I'm
- 2 with the Capitol Hill Restoration Society.
- My question is really about information. We
- 4 have heard a lot this evening. A number of us heard a
- 5 lot this afternoon about what would be available later.
- 6 It seems like the answers to many of these questions
- 7 that have been asked tonight is, "This is going to be
- 8 in the DEIS," which I appreciate, but your timeline
- 9 over here shows that that is not expected to come out
- 10 until the fall of this year.
- In the meantime, I'm hoping that we could
- 12 identify or agree on some information products that
- 13 could be available to the public and the community.
- 14 For instance, the purpose and need statement. That
- 15 would be a helpful document for us to see.
- 16 There are reports that are being generated
- 17 during the various reviews that are going on and the
- 18 results of tests and studies on noise and vibration and
- 19 other such things.
- If and when that kind of information becomes
- 21 available before the DEIS, is there a way, a means, a
- 22 venue, something for making that information available

81

- 1 to the public and the community?
- 2 A second part is that with the 11th Street
- 3 Bridge FEIS, some of those forecasts ranged up to 2030.
- 4 So I guess I don't understand why, with the EIS for
- 5 this project, there cannot be projections and forecasts
- 6 for something, you know, even as little as five years
- 7 from the completion of the project. Perhaps that could
- 8 be explained.
- 9 MR. HICKS: Shauna, thanks for your question.
- 10 I'll answer two of them. Now, the first question --
- 11 let me see --
- MS. HOLMES: Information.
- 13 MR. HENSON: Making information available as
- 14 it comes out rather than waiting for the draft.
- MR. HICKS: Okay. On that question, Federal
- 16 Highway has to review -- when they put a draft document
- 17 together, the Federal Highway reviews the document and
- 18 approves it before it goes out for public distribution.
- 19 So until we get that review done we won't circulate the
- 20 document for public distribution because that has to do
- 21 with traffic.
- You have to remember, when we do a NEPA

- 1 document, we normally forecast 20 years, in terms of
- 2 traffic. This is different. You have to remember,
- 3 Federal Highway is Federal Highways. This is a rail
- 4 project. So that's why, in terms of when there was a
- 5 discussion about -- what was it, the noise?
- 6 I'm not really sure right now of how we're
- 7 going to handle that information. In terms of our own
- 8 regulations, we don't have anything that addresses
- 9 that, because again, I deal with highway transportation
- 10 project and this is a railroad type project. So I'm
- 11 not really sure how we're going to handle that aspect
- 12 of it.
- 13 MS. HOLMES: Okay. May I ask a second part
- 14 then? In the South Capitol Street FEIS, during
- 15 construction and after construction --
- 16 THE REPORTER: Ma'am, please come to the
- 17 microphone.
- MS. HOLMES: Will there be any projections
- 19 for post-construction impacts or is the FEIS going to
- 20 be limited only to construction impacts that aren't
- 21 usually the case?
- MR. HICKS: Well, you're talking about

- 1 permanent impacts now. When you talk about post-
- 2 construction, that's a permanent impact.
- 3 MS. HOLMES: Noise, vibrations, et cetera.
- 4 MR. HICKS: We will look at the impacts, both
- 5 permanent and temporary. Construction is a temporary
- 6 impact, but there will be, I guess, permanent impacts
- 7 as well. We will consider those in the document.
- 8 MS. HOLMES: Thank you.
- 9 MR. HENSON: Does that answer your question?
- MS. HOLMES: Yes.
- 11 MR. MCBEE: I'm speaker Number 11, Ron McBee.
- 12 That's M-C, capital B as in boy, E-E. I live in
- 13 southwest. I'm also an ANC Commissioner in 6D and 6D-
- 14 03. I have two quick questions.
- One really is about the information that came
- 16 here. You've excluded Concept 3, 4, 7, 8, 9, 10, and
- 17 11 as options. I'm looking for some of the information
- 18 that you used to make those decisions.
- 19 I'm trying to be able to look at that data.
- 20 Where is that data contained or was this information
- 21 then transformed into a decision that was made here?
- 22 Obviously, that's where we're at tonight.

- Secondly, earlier, somebody up here talked about our hybrid. I think a hybrid is looking at many different solutions to the problem. I think that one of things I heard Chip talk about is time-sensitive materials that had to go through the tunnel. 5 My father was a railroad man. He worked in 6 the rail yard. They built trains. So I don't know why 7 CSX could not, in fact, separate those time items that have to get through quickly that might come through our 10 passenger line at Union Station. 11 The second part of this question is that if that was able to be done, what kind of cost savings and 12 13 time savings on building the tunnel without having to
- cost savings on the other side? You talked about the 16

do a build-around in the tunnel could we be saving?

That's what I'm looking at. Is there some

- 18 So I'm wondering if there is some cost
- 19 savings, both without having to build the temporary
- 20 track inside the tunnel for the line to go through.
- 21 Have you looked at that?

expense of the diesel fuel.

1

15

17

22 Is there some cost data associated with it?

- 1 MR. UNDELAND: Before we get to the answer
- 2 of that question, you are going to be our last speaker.
- 3 We are out of time. As I said before, after we break,
- 4 the folks up here, and others, will be available to
- 5 handle questions one-on-one.
- 6 MR. HENSON: All right, Ron, let me see if I
- 7 understand your questions. The first one was how do we
- 8 make the decision, basically, to exclude the seven or
- 9 eight that were excluded. That's one.
- 10 The second one is why not use Union Station
- 11 as a reroute. Is that the essence of the second one?
- 12 I was struggling on that one just a bit.
- 13 MR. MCBEE: Well, yeah. I think that's true.
- 14 It was part of the NCPC.
- MR. HENSON: Right.
- MR. MCBEE: I understand that maybe,
- 17 possibly, you can limit that to use it for part of your
- 18 time-sensitive shipment of your materials.
- 19 And secondly, if you were not able -- if you
- 20 did not have to build the temporary tunnel inside, what
- 21 kind of cost savings and time savings could be talking
- 22 about for construction?

MR. HENSON: Okay. The first one, the 1 criteria for making the decision was the purpose and need statement. So literally, we put together what amounted to a matrix with the elements of the purpose and need and then attempted to evaluate them in a 5 qualitative manner, based on the information that we had. What was most consistent with the purpose and need statement, those concepts were kept and those that were least consistent with the purpose and need 10 statement, those concepts were eliminated. So that's 11 12 kind of the simple answer. And again, I hate to keep referring to the DEIS, but the DEIS will indeed go into 13 much more detail. 14 15 I will also say this about the DEIS, to an 16 extent, it's a blessing and a curse. Mike mentioned 17 some of the extra process that has to come with it. So 18 if this was an EA, this process would wrap up much 19 quicker. You would have answers more quickly, but 20 because there a lot more reviews that have to go 21 through, I don't understand all the details. Instead 22 of maybe a few months, you end up with only six months

87

- 1 before we can release it.
- 2 Also note that -- I believe it was Shauna's
- 3 question -- we'll also have another meeting, we're
- 4 thinking late summer, where we'll talk through the
- 5 concepts in more detail, as we've discussed tonight.
- 6 So there's that element.
- 7 As far as the time-sensitive shipments
- 8 through Union Station -- and I don't want to rehash too
- 9 much of the discussion that Chip went into a good bit
- 10 of detail about Alternative 7 -- but basically, there
- 11 is only one train in and one train out of Union Station
- 12 per day, for a total of two. From the way that CSX has
- 13 described it, that will not work for their operations.
- 14 On cost data, I will defer on that one. I
- 15 would not like to discuss Alternative 7 because Chip
- 16 went into detail about that already and it's actually
- 17 past our time. So if there is any discussion of cost
- 18 that CSX would like to make, you may.
- MR. DOBSON: Again, Chip Dobson from CSX. In
- 20 terms of the amount of volume when we looked -- if I
- 21 wasn't clear before -- at the volume of traffic that
- 22 could go through Washington Union Station, that

- 1 analysis was actually done on a carload basis.
- 2 So there were two trains, but it was two
- 3 trains at capacity. So two was the number and the
- 4 analysis was done, assuming that each of those was a
- 5 fully-loaded, you know, train and basically maxed out,
- 6 in terms of the length and the amount of high priority
- 7 cargo. So that was truly the maximum.
- The other aspect is, you know, we did take a
- 9 look, while there was some savings -- obviously if you
- 10 construct a tunnel and you don't have to accommodate
- 11 trains through the tunnel area itself, that does give
- 12 you some savings, but in terms of the magnitude -- I
- 13 mean, I talked about the fuel, which wasn't as much as
- 14 -- I mean, it was partially a cost issue, but partially
- 15 an environmental and an impact issue.
- 16 That more than outweighed any cost savings
- 17 from the construction aspect and then there would be
- 18 additional labor and other associated costs that would
- 19 be associated with not only the truck operations, you
- 20 know, it wouldn't fall to CSX, but other costs that
- 21 would take place like additional equipment, in terms of
- 22 railcars, probably locomotive and other costs

- 1 associated with it.
- Now, because those other things were fairly
- 3 compelling, it wasn't a full analysis, but the basis of
- 4 it was that an additional amount of fuel and the
- 5 impacts to that.
- 6 MR. MCBEE: You know, the other issue that I
- 7 was looking at is if you didn't have to do the build-
- 8 around, you know, internally have the line there, time-
- 9 wise, too, would there be a cost savings with the
- 10 timeline?
- 11 So would the tunnel take two and a half years
- 12 as opposed to three and a half years, in terms of
- 13 construction?
- MR. DOBSON: Well, yeah. I think we did view
- 15 that there was a range of construction with a
- 16 preliminary -- I don't want to attach specific number
- 17 because there wasn't one, but there was a range of
- 18 construction. So it would be faster, but that's what I
- 19 spoke to.
- 20 Basically, it's not half the length because
- 21 basically, there's some fixed, sort of construction
- 22 time and some variables. So you are able to shrink

- 1 some of those variable type things, but not the fixed.
- 2 And that does impact, not only the amount of time the
- 3 construction would take place along the existing tunnel
- 4 area but also it does impact to some cost savings, but
- 5 the magnitude of that was not significant, compared to
- 6 the other things.
- 7 MR. MCBEE: Right. My last comment is really
- 8 just a comment. I would hope that the Federal Highway
- 9 could find a way to release the state of preliminary
- 10 before it becomes final. Is there a preliminary
- 11 release so that we can see some of the information that
- 12 you have instead of waiting for this DEIS be finalized?
- 13 MR. UNDELAND: It's called a draft for a
- 14 reason. It's not final.
- MR. MCBEE: That's right. And that's why --
- 16 MR. UNDELAND: I'm sorry. I am going to
- 17 have to end things tonight. I'm very sorry that not
- 18 everyone got a chance to speak. We do want to hear
- 19 from you. As I mentioned, there are folks here who can
- 20 --
- 21 MS. HARRINGTON: I just have two quick
- 22 questions if I could. I'm sorry. I know you're in a

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   hurry. My name is Maureen Harrington, H-A-R-R-I-N-G-T-
    O-N.
 3
                                I just wanted to follow-up
   on a point that Brian Huseman made. Are you all going
    to be considering, and hopefully, somehow addressing
 5
    the affect on home values that are for properties
    adjacent to this construction?
 8
              I'm wondering if any of you would seriously
   be willing to go on record as saying that you would pay
    the same price for a home in front of this construction
10
    as you would for the identical home with this
11
    construction not going on. It is going to have an
12
13
    effect on home values for a long time.
                                            This is going
    to be very relevant if we have to move.
15
              Then also, as far as the right-of-way, since
    at least two of these options would, as far as I can
17
    tell, significantly expand the CSX right-of-way, who
18
    makes that decision when, on what basis will there be
19
    input for public participation?
20
              MR. UNDELAND: Well, there is opportunity
21
    for public input all the way along. Your questions
22
   have been recorded. We will be providing a record of
```

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92
    this on our website when those have been compiled.
              Thank you all. There were many people here
 2
   tonight. Thank you for your attention. Please go to
   virginiaavenuetunnel.com for more information for the
   materials that we did present tonight. We continue to
 5
   encourage your input. Thank you.
 6
 7
               (Whereupon, at 8:14 p.m., the
 8
                proceedings were concluded.)
 9
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1	CERTIFICATE OF NOTARY PUBLIC	
2	I, GERVEL A. WATTS, the officer before whom	
3	the foregoing deposition was taken, do hereby certify	
4	that the testimony that appears in the foregoing pages	
5	was recorded by me and thereafter reduced to	
6	typewriting under my direction; that said deposition is	
7	a true record of the proceedings; that I am neither	
8	counsel for, related to, nor employed by any of the	
9	parties to the action in which this deposition was	
10	taken; and further, that I am not a relative or	
11	employee of any counsel or attorney employed by the	
12	parties hereto, nor financially or otherwise interested	
13	in the outcome of this action.	
14		
15		
16		
17		
18	GERVEL A. WATTS Notary Public in and for the	
19	District of Columbia	
20		
21		
22	My Commission expires: January 31, 2014	

COMMENT CARD

Public Alternative Meeting Virginia Avenue Tunnel Environmental Assessment Project Alternatives & Section 106 Evaluation

Washington, D.C. (May 21, 2012)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send them through the mail.

Name:	m	
Email Address (please include if you want to be added to the email mailing list):		
Mailing Address (please incl	ude if you want to be added to the mailing list):	
How did you hear about the	meeting?	
Newsletter	Newspaper Other	
<u> </u>	Advertisement	
COMMENTS		
questions and comm	ortant to this project. Please use the spaces below to write your ents. All comments will be taken into consideration. All written uring the course of the study will be made available for review.	
Was the open house format	of tonight's meeting effective?Yes No	
In the future, how would yo	ulike the project team to share updates and new developments?	į
Website Newsle	tter Email Mailing List Additional Meetings	
U.S. Department of Transportation Federal Highway Administration	DIGERRAL DEFINITION OF TRANSPORTATION CS. THE DEFINITION CS. THE PROPERTY OF T	

Do you have any comments regarding the project? \[\lambda \text{Nat is the projected number of trains} \] that will traverse the tunnel each day (North!) after the tunnel is completed? Syears after	outh)
What is the amount of fuel consumed to cross from the Potomac to the Anaeost for on average freight train?	
palhat is the average omissions of the (SX) 1000 modius fleet to pull on average trees train on terms of units of NOx and Particular and other as emissions expressed per unit of Did the meeting answer your questions? If not, please explain, and per mile a speed trains will traverse the tunn after it is rebeuilt	the fact
The state of the s	
	*9//-

Please return your comment cards tonight or mail to the following address by <u>June 21, 2012</u>.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

You may also email your comments to contact@virginiaavenuetunnel.com

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Name:

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Website	Advertisement	7 .
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	t of tonight's meeting effective?	-
	ou like the project team to share up etter Email Mailing List	·
U.S. Department of Transportation Federal Highway Administration	DISTRICT DEPARTMENT OF TRANSPORTATION	[CSX]

Do you have any comments regarding the project?
Linderstanding of the project, I was
disappointed of the fact that I left
Without any clarity.
,
Did the meeting answer your questions? If not, please explain. Most of the questions asked were left we-
answered. We were told over and over
again to refer to the "DEIS" in the fall
So what was the purpose of the meeting?
Also the panel was filled with people
who didn't seem knowledgeable to
aire explanations
give explanations.
The meeting seemed thrown together just to appeare the public.

Please return your comment cards tonight or mail to the following address by <u>June 21, 2012</u>.

Stephen L. Plano
Parsons Brinckerhoff
1401 K Street NW, Suite 701
Washington, DC 20005

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Website X Newsletter	· _X_ Email Mailing List _X	∠ Additional Meetings
U.S. Department of Transportation Federal Highway Administration	DISTRICT DEPARTMENT OF TRANSPORTATION	[CSX Hate to the town on the control of the control

	My comments are regarded to the necture processe:
	Ot believe the meeting shoreld have been extended,
	if approved by all the parties present. This extension
	would be to handle all two who signed up at the beginning
	of the meeting to sok questions.
	2) I think it would be helpful to have each in pringle with
	to one question. They could ask more after the first
	vormed of Questions were, answered. A one nimite time
	3) I would suggest again to have people submit questions with evail, etc. sifere (F) all Q? As Evould seposted on the Website. Did the meeting answer your questions? If not, please explain.
	via enail, etc. sifere
_	(4) all Q? As Evorel Be posted on the Website.
	(5) Authorables graphs, etc should be posted wi
	a pour point presentation on the Walsote
\$	6 What I also wanted was a short briefing on each
	alternature that was revoved from the DEPA lest
	of possibilities
	(7) De the audievie vos to far from The podemi and
•	screens to see specific defails. Also the screen on
•	tre left was not clear - perhaps our light or he
•	opens for of the event did not be now how to correct the
•	problem
·	(8) Additionally it would have been holpful to have
	Please return your comment cards tonight or mail to the following address by June 21, 2012.
	Stephen L. Plano
	Parsons Brinckerhoff
	1401 K Street NW, Suite 701 Washington, DC 20005
	You may also email your comments to contact@virginiaavenuetunnel.com
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COMMENT CARD

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Washington, D.C. (May 21, 2012)

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	mat of tonight's meeting effective? Yes No	
	d you like the project team to share updates and new developments wsletter Email Mailing List Additional Meetings	;?
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Do you have any comments regarding the project?
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performed and money more to dollare.
The might become an gratter of Concerno at some poin
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prosent Construction, Robert Meritically
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this problem ? Perhops industrial treps,
and or poison The rotents will come, well
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Public Alternative Meeting Virginia Avenue Tunnel Environmental Assessment **Project Alternatives & Section 106 Evaluation**

Washington, D.C. (May 21, 2012)

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Was the open house forma	t of tonight's meeting effective? \geq	Yes No
In the future, how would yo	ou like the project team to share u	pdates and new developments?
	etter Email Mailing List 🔀	
U.S. Department of Transportation Federal Highway Administration	DISTRUCT DEPURTMENT OF TRANSPORTATION	[CSX]

Do you have any comments regarding the project?
Yes Room in the tunnels most be provided for
foture rail electrification. Oil is a finite resource.
It is time for CSX to actively Study rail electrification
at 25,000 volts 60 cycles afternating Current.
The US railroads should not and must not remain
locked in on fresel fuel as a source of propolsion.
I'm talking about mour fine electrification:
I trust CSX will give this the highest consideration.
Did the meeting answer your questions? If not, please explain.

Please return your comment cards tonight or mail to the following address by June 21, 2012.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

You may also email your comments to contact@virginiaavenuetunnel.com

From:

Sent: To: Monday, June 04, 2012 1:27 PM contact@virginiaavenuetunnel.com

Subject:

block 929-821 virginia Ave.

Follow Up Flag: Flag Status:

Follow up Completed

Sirs.

Virginia Ave. between 8th. and 9th. street, from your Traffic Plan (page 20), it appears that you plan to install two (2) new driveway entrances, one on L st. and the other on 9th. to replace the entrances located on Virginia Ave.

A third driveway will need to be installed on L st. between 8010 L st. and 816 L st. to service the parking lot that is now in use on 812 and 814 L st. The entrance to this lot was served by the driveway on Virginia Ave., using the wide public space on that north side. L st. does not have that wide of a public space area to reach that lot.

Please advice at your earliest convenance.

From:

Sent: To: Friday, June 15, 2012 4:49 PM contact@virginiaavenuetunnel.com

Subject:

Comments on Alternatives

Dear Sir/Madam,

I was unable to attend the recent public meeting for the Virginia Ave CSX project on May 21, 2012. I have reviewed the materials posted to the website from the meeting, and wanted to provide comments and raise questions on the alternatives being considered and those that were eliminated.

- 1) What was the basis for deciding which alternatives to retain and which to eliminate? It appears that the only or primary criteria may have been cost to CSX or benefits to CSX, and not considerations for the local residents and businesses, commuters, or visitors to the ballpark. Why were no alternatives retained to reroute trains temporarily or permanently? Why were no alternatives retained that affect the northside of SE/SW Freeway?
- 2) This city, businesses, residents, and the Nationals have made significant efforts and investments in the last few years to improve the area of the City near the proposed project. CSX says this is a 100-year construction project. This construction, if it was going to be done, should have been done in year 95 or 96, before all these other investments were made and all these residents and businesses moved into the area. Why wasn't the CSX project done then, when it would have had far, far fewer impacts on residents, businesses, commuters, and recreational visitors?
- 3) This project does not appear to benefit the local community. It is to support global trade and bring profits to CSX. The benefits all go elsewhere, but all of the many and significant construction impacts will be borne by local residents and businesses. Rather than expanding rail capacity at Virginia Avenue, CSX should re-route the trains so that the rail line does not run through one of the largest cities in the country and its neighborhoods.
- 4) CSX says it would raise the height of the tunnel because it wants to accommodate double-stack trains, and water table and other concerns keep it from going much lower than the current tunnel. How will this elevation change affect the neighborhood and the road network and access from the 6th St ramp to go south toward M Street? This access to homes and businesses to the south is very important and needs to be retained both during and after the project.
- 5) CSX is proposing to add bike paths and more greenspace on the south side of the SE/SW Freeway after the project. Any such efforts need to leave in place the same number of road lanes and access to the neighborhoods and businesses to the south of the SE/SW Freeway. For the neighborhood to remain a desirable place to live and work, and for all of the recent investments made by the city, residents, and businesses to retain their value, the same ability to access the area by car as exists now must be retained or increased.
- 6) Your maintenance of traffic options all show drastically restricting access to the neighborhoods and streets to the south of the SE/SW Freeway by not allowing traffic from the SE/SW Freeway ramps to make turning movements to the south. The neighborhood is now rife with stop signs and with pedestrians. Forcing everyone to divert to the north off the ramps and circle around to ultimately go south will significantly delay traffic trying to get to the residences and businesses to the south of the SE/SW Freeway and will increase safety risks. These delays and risks are not tolerable.

Thank you for the opportunity to comment. Please acknowledge receipt of my email. I look forward to hearing how these issues are considered and addressed.

Dear Virginia Avenue Tunnel Project,

Below are my comments for public record in response to the May 21, 2012 Virginia Avenue Tunnel (VAT) Meeting at Nationals Park. As a resident living on Virginia Avenue, I will be significantly impact by this project. I request that you give great weight to my comments.

The letter below will address four main points:

- 1) Add back into the NEPA evaluation Concept 4 (rebuild VAT with temporary combination runaround) and Concept 7 (rebuild VAT with temporary reroute).
- 2) Of the proposed Concepts presented at the May 21, 2012 public meeting, I support Concept 1 (no build) and I support Concept 6 (rebuild online in existing tunnel).
- 3) Of the proposed Concepts presented at the May 21, 2012 public meeting, I do not support Concept 2 (temporary south side runaround) and I do not support Concept 5 (permanent twin tunnels).
- 4) Future presentation material and maps need to be improved to include a key for map colors and patterns, as well as the maps need to list the distance from the tunnel (s) and construction staging area to home of residents living along Virginia Avenue.

Add Back into NEPA Concept 4 and Concept 7

I strongly support adding back into the NEPA evaluation Concept 4 (rebuilt VAT with temporary combination runaround) and Concept 7 (rebuild Vat with temporary reroute). These two concepts were included in the initial listing of VAT rebuild options and are the best proposed concepts to date to achieve the NEPA objective of minimized construction duration and impact to the community. It is important for these two concepts to be analyzed and compared to the other options to ensure that the project will truly be undertaken in the best way possible and adhere to the principles of NEPA.

Minimize construction duration--Concept 4 and Concept 7 minimize construction duration because they do not require the building of a new, additional tunnel alongside the existing tunnel as proposed in Concepts 2 and 5. Building a new tunnel is a significant construction project that requires a significant construction team and is a significant change to the physical environment—taking over public space, removing dirt, building tunnel walls, laying tracks, etc. Instead, Concept 4 and Concept 7 temporarily reroute trains, which means NO temporary track is built, eliminating the duration of this construction. With Concept 4 and Concept 7, the construction duration is limited to the time to repair the existing tunnel. In addition, the construction time of Concepts 4 and 7 should be less than Concept 6 which will require stop/start construction to allow trains to operate in the tunnel at the same time as the rebuild construction.

Minimize impact to the community—Concepts 4 and 7 best minimize the impact to the community because they do not require the building of a second train tunnel. Not building a second train tunnel reduces the duration of construction (as outlined above) and there is less physical construction work being done, which means there is less noise, dust, debris, etc. Also, Concepts 4 and 7 minimize the VAT expansion into public space both during and after the project. In comparison, Concepts 2 and 5 allow CSX to expand the duration of the VAT project because they require building a new tunnel and they take addition public space away from the community to build a second tunnel. Concepts 4 and 7 are the

best choices to reduce the impact on the community because they do not require the building of a second tunnel.

Bringing Concepts 4 and 7 back into the NEPA evaluation process is necessary to determine if it is possible or not possible to reroute trains during the entire rebuild possible and to allow the public to see the cost-benefit analysis of temporary rerouting. I also suggest that Concepts 4 and 7 need to be evaluated to determine that if it is not possible to reroute during the entire process, then what other options are feasible to temporarily reroute just during the tunnel reconstruction just from 3rd St SE to 5th St SE—the blocks of Virginia Avenue that have residents living closest to the project.

Adding Concepts 4 and 7 into the NEPA evaluation is incredibly important to ensure that the community is given full and transparent information about the options for and the impacts of rebuilding the Virginia Avenue Tunnel. Concepts 4 and 7 may provide the best choice for the rebuild of Virginia Avenue Tunnel that minimizes construction duration and impact to the community.

Support Concept 1 and Concept 6

Of the proposed concepts presented at the May 21, 2012 public meeting, I support Concept 1 and Concept 6 because both concepts minimize the impact to the community by keeping the area of construction to the existing tunnel width, do not require building a second tunnel, and keep the construction the farthest away from homes and residents living along Virginia Avenue. Concept 6 may require a slightly longer construction duration if trains will be running in the tunnel. However, I believe that is worth it because overall there will be a minimized impact on the community by keeping the VAT rebuild contained to the area of the existing tunnel.

Oppose Concept 2 and Concept 5

I oppose Concept 2 and Concept 5 because they maximize the construction and community impact. Both concepts propose building a new trench adjacent to the existing trench. CSX has not stated the time duration for this, however I believe this will certainly increase the construction complexity (as well as potential for delays) and construction impact of noise, debris, vibrations, etc. compared to if the project just focused on repairing the existing tunnel. Both concepts expand the area of public space that will be taken for construction, which I oppose. I also oppose these concepts because they move the impacts of construction and the running of trains closer to the existing residents living along Virginia Avenue. Overall, Concept 2 and Concept 5 increase the negative impacts to the community.

Future Presentation Materials

Future presentation materials, especially the maps, need to include a key with the meaning of colors and patterns on the maps. The maps also need to list the distance from the existing tunnel, proposed temporary/new tunnel, and the construction staging area to the homes of residents along Virginia Avenue. This is important information to provide for each concept so that the public can best understand the implications of the proposed concept and provide future comments.

Sincerely,

Capitol Quarter

Homeowners' Association

June 20, 2012

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on Virginia Avenue Tunnel Project Environmental Impact Statement (EIS) Concepts

The Capitol Quarter Homeowners' Association Board of Directors (HOA) submits this letter on behalf of the residents of Capitol Quarter to address the concept alternatives presented on May 21, 2012 for the Virginia Avenue Tunnel project. We incorporate the statements and concerns noted in our previous filings in this document, and individual residents of the community may also provide their own comments.

I. The Capitol Quarter Community

As you are aware, the Capitol Quarter and Capper communities encompass the area bound by Virginia Avenue SE to the north, 6th St., SE to the east, 3rd St., SE to the west, and M St., SE to the south. There are more than 485 housing units, most of which have multiple residents. Capitol Quarter consists of 324 units. The 161 units in Phase I were completed and occupied by August 2010. The second phase of an additional 163 units is entirely sold and its residents should be completely moved in by the end of 2012.

Capitol Quarter is a new community being redeveloped on the former Arthur Capper/Carrollsburg Housing site as part of the Federal HUD HOPE VI program. Capitol Quarter is a mixed income and mixed housing community that includes market and affordable housing. The homes consist of market rate and affordable homeownership units as wells as public housing units managed and operated by the DC Housing Authority. Capitol Quarter is an economically and racially diverse community with ages ranging from newborns to elderly residents. As we have previously stated, the 2010 census is not an accurate source of demographic information about Capitol Quarter because the census was completed in April 2010 before a large number of the residents moved into their homes.

II. The Concepts Chosen for EIS Review

A. The More Rigorous EIS Review is Warranted

We were pleased to hear that the NEPA process will result in an Environmental Impact Statement, rather than an Environmental Assessment (EA). We have always believed the project will have a significant environmental impact, and we strongly support the decision that the more rigorous level of scrutiny was chosen.

B. We Continue to Support a No Build Option

We continue to believe that a no build option should be chosen. Any build option will pose extreme environmental, health, safety, traffic, and construction concerns that we have previously identified. We believe that it is extremely unlikely that this project can proceed without significant environmental, traffic, and human impact, and we thus urge that the no build option be chosen as the preferred alternative.

C. A Rerouting Option Should Be Included in the EIS Review

We are extremely disappointed that there was not a rerouting option selected for further review in the EIS process. The NEPA agencies and CSX have removed all of the rerouting options from further public consideration or comment, stating that they do not meet the need of the project or are not feasible. There has been no public explanation, however, detailing the specific reasons for that decision nor an opportunity to examine the evidence used in arriving at that determination.

We strongly believe that a combination of the earlier rerouting options should be included in the EIS process to allow for a full public examination of the options. Specifically, we urge that a combination (and variation) of concepts 7A, 7B, and 11 be considered. During construction, trains could be rerouted through Union Station (7A), could be rerouted on existing rail lines (7B), and could be rerouted on existing lines in conjunction with the use of truck traffic only during the limited period of time that the tunnel is being rebuilt (a variation of 11, as that option only concerned permanent rerouting).

Because no rerouting was included for EIS review, the review process will not reveal whether simply rebuilding the tunnel without having to also build a temporary track might result in an environmentally superior approach or a much shorter period of construction. If that were true, then the claims that the overall environment or the overall movement of freight would suffer from rerouting, might be exaggerated. For instance, if an option were chosen that would only reroute traffic during construction, and that option might shorten the construction period by a year or more, then that option might best satisfy the needs of all interested stakeholders. At a minimum, these alternatives certainly warrant a full EIS review.

III. The Build Alternatives

Although we continue to urge that a no build option is in the best interest of the District of Columbia and the residents affected by this project, at this stage of the process – where we have been told very few details about specific construction techniques we would like to address concerns we have with the three build options presented for further EIS review.

A. Trains Should Not Run in an Open Trench

As we have mentioned previously, out of the build alternatives presented, we believe that trains should not be allowed to run in an open trench during construction. We do not see any way that residents can possibly live in their homes while trains are running in trenches night and day for three years within feet of their front doors. Thus, we oppose EIS concepts 2 (rebuild with temporary south side runaround) and 6 (rebuild tunnel online). Among other things, we are deeply concerned with issues such as air quality, air contaminants, hazardous materials, transportation of harmful material during construction, safety in case of accident or derailment, safety during construction (including continued emergency access to homes), noise impacts, health impacts from vermin or insects during construction, structural impacts upon our homes, utility disruptions, the impact of construction lighting, traffic impacts, pedestrian safety, security and terrorism impacts, the impact and encroachment on private property and public space, and the impact on residents' ability to sleep or reasonably inhabit their homes during construction. We believe there is no way, given the facts that have been presented to us, that these impacts can be adequately addressed for concepts that involve trains in open trenches.¹

B. Concept Five

Concept Five involves rebuilding the current tunnel and building a single track tunnel to the south of the existing tunnel. Between the Scylla of trains running in an open trench and the Charybdis of Concept Five,² we have no choice but to believe that this is the least noxious build option presented to us.³ We have several principles, however, that we believe must be adhered to if Concept Five is chosen as the preferred alternative.

First, although we assume it is not the case, it is not entirely clear from the May 21, 2012 presentation materials or the website FAQs that there will not actually be trains running in an open trench with this concept. CSX representatives stated that the new tunnel construction will be closed off before trains begin running in it (and it would seem

¹ We are concerned that the metrics used to evaluate the human impact of these factors are subjective and request that the criteria used to evaluate these factors be made public and available for comment.

² See http://en.wikipedia.org/wiki/Between Scylla and Charybdis.

³ We emphasize that we take this view given the facts of construction known to us now. If, for instance, the construction time frame for concept 6 would be substantially shorter than concept 5, those facts may affect our analysis of the preferred alternative. In any event, concept 5 is the most disruptive in terms of proximity to housing and potential utility disruption.

from a layman's perspective that the roof of a tunnel is an integral part of its structure). However, this fact needs to be clarified immediately in writing to us and on the FAQ section of the website.⁴

Second, if Concept Five, or any build alternative is chosen, CSX should be required to reroute as much of its train traffic as possible during the construction period. Our understanding is that, at a minimum, two trains per day may be rerouted through Union Station on CSX lines and an additional one-third of CSX capacity may be rerouted onto the Norfolk Southern lines. The NEPA agencies should mandate that CSX contract for at least this much rerouting during construction. Doing so would achieve at least some reduction of the environmental impact to the construction site itself and also would provide a financial incentive for CSX to complete the project in as timely a manner as possible.

Third, we are deeply concerned with the vibrations and potential safety impacts as a result of a new train tunnel running, with increased double-stacked traffic, closer to our homes. We believe that the EIS should require state-of-the-art construction methods and materials and that any construction plans or vibration studies should be independently evaluated by an expert of our choosing that would be paid for by CSX as part of the NEPA process.

Fourth, we do not believe that CSX has a valid right of way to complete construction as contemplated in Concept Five. In our view, it is clear that the 1901 statute allowing for construction of the tunnel only contemplated the running of temporary tracks for the limited period of time allowed for construction of the original tunnel. CSX has not pointed the public to precedent or statutory language that would allow it to build a new set of temporary tracks or that would allow it to expand the tunnel past its original footprint.

The construction staging area as outlined for Concept Five would encroach on the common area that the HOA is responsible for maintaining. Thus, we request an immediate explanation from the NEPA agencies to the following questions: (1) if additional right of way is needed, who would grant the right of way?; (2) on what grounds will that decision be made and will there be opportunities for public input before the decision?; (3) is there a process for appeal?; and (4) in what way(s) would the city and its residents benefit in return for any grant of right of way?. In sum, we strongly want transparency and an opportunity to comment before any final right of way decision is made.

IV. Precautions, Techniques, and Improvements During and Post-Construction

In the event that either Concept Five or one of the other build options is chosen, there are certain precautions and techniques that should be employed to cause the minimal

⁴ We also believe the EIS should examine the possibility of not having an open trench construction process only in the blocks in which there are residences, from 3rd to 5th Streets SE. We do not believe that a limited trenchless tunneling construction alternative has been considered or publicly addressed.

amount of environmental, health, and safety impacts. Additionally, there should be a number of improvements that should be mandated in a post-construction environment.

A. Precautions and Techniques Necessary During Construction

Under any build alternative, we believe that overarching concern must be given to limit and shorten the time that construction is happening in front of residences from 3rd to 5th Streets SE. For instance, we believe there should be staged project completion in which open trench construction first occurs at the far eastern end of the tunnel area furthest away from residents (including residents in the Capper Senior Center), with the ground first closed back at the far western end closest to the residents (almost in a zipper fashion so that the blocks with residences will be the least disrupted by open trench construction). We also believe that the EIS should seek construction limitations that would provide for the least disruption to residents, such as prohibiting any construction or trains running during a designated dead zone period overnight, prohibiting construction at times when residents are most likely to be at home (such as no construction until after 9:00 am on Saturdays or at any time on federal holidays or Sundays), sound and safety barriers between the homes and any construction activity, limitations on horns and train speed, and no pile-driving.⁵

We also believe that the EIS should empower the residents most directly affected by the project by providing independent consultants chosen by the residents at CSX expense. The consultant should be empowered to mandate construction methods, on a rolling and unilateral basis, to protect the structural impact of our homes, to minimize the health impacts (such as air quality, debris, and exposure), and to protect against noise.

Finally, after many repeated requests, we still have not received answers regarding the time frame for construction and any claims or remediation processes. We believe that the EIS should make CSX accountable to a time certain for construction, with increasing benefits due to the residents affected by any delay in construction, whether unanticipated or not. We also believe that an independent consultant chosen by the homeowners and paid by CSX should be empowered to address any damages to person or property as a result of the construction. And, very importantly, the EIS should require that residents be compensated for any short-term or long-term reduction in value as a result of the construction project.⁶

⁵ The NEPA agencies seem to have mandated that north/south pedestrian and vehicular access be maintained over Virginia Avenue. We encourage that pedestrian and bicycle access be well-lit, safe, and wide enough for our residents and others to effectively take advantage of that access.

One FAQ on the project website relating to home values states as follows: "Q: How will the short term values of the homes in Capitol Quarter be affected by this project? What will happen if an affected resident has to sell a home, and how will we be compensated for decreased home value? A: Home and property values are influenced by a number of factors including: the housing market in general, the local market specifically, as well as the particular needs of the seller and the buyer. The degree to which temporary factors, such as construction on city streets and other neighborhood construction projects affect short term property values would be subjective and difficult to quantify." This FAQ is so facially incorrect and insulting to the residents affected by the project that its inclusion on the official project website throws extreme doubt on all of the other information included there. We strongly question the credibility of anyone who would state that they would pay the exact same amount for a house located along within feet from a construction project than if the construction were not located there. We

B. <u>Post-Construction Improvements</u>

Without a doubt, the EIS should require CSX to leave the neighborhood better off than it was before, with vast improvements and amenities. The simple bike lane concepts presented at the May 21, 2012 meeting were presented as being real community amenities after forcing the community to endure more than three years of construction and after complete destruction of the existing mature tree canopy. The NEPA agencies and CSX should begin a process of discussing benefits with the community, in the event that a build option is ultimately chosen, and those outcomes should be included in the EIS. We, of course, will actively participate in that process.

V. Conclusion

In conclusion, the Capitol Quarter HOA strongly believes that the no build option is still the preferred option. We also believe that a rerouting option should be included immediately in the EIS review, and given the facts of construction that we know now, we are concerned with options that would involve trains running in an open trench within feet from our homes.

We appreciate your consideration of our comments and look forward to working with you further during this process.

Sincerely,

The Capitol Quarter HOA Board of Directors

CC:

Delegate Eleanor Holmes Norton Mayor Vincent Gray Councilmember Tommy Wells Deputy Mayor Victor Hoskins David Garber, ANC 6D07 Mike Hicks, FHA Faisal Hameed, DDOT Jamie Henson, DDOT DC City Council

also do not believe the statement that construction projects make home values "subjective and difficult to quantify." Real estate agents and appraisers consistently take into account the effect on home value of construction and many other "subjective" characteristics (for both the ability to sell and the ability to rent one's home). We request that the answer to this FAQ be removed and that a substantive and accurate response be provided.

From:

Sent: To: Tuesday, September 04, 2012 10:10 PM contact@virginiaavenuetunnel.com

Subject:

CSX safety record

How do you plan to address the frequent safety issues seen on CSX trains? Just in August, there were three crashes in Maryland state alone leaving two teens dead among other tragedies. How can members of the community near VA Ave feel safe knowing safety takes a back seat at CSX?

As a member of the local community, I am terrified by the abundance of information surrounding CSX's ignorance of safety over time. A quick search evidenced the 8888 Incident (http://en.wikipedia.org/wiki/CSX_8888_incident) and a website dedicated entirely to CSX crime (http://esx-sucks.com). As a soon to be parent, I am seriously concerned about a dangerous accident that appears all too likely to occur adjacent to my new quarter million dollar home.

My block alone has more than three lawyers and multiple political appointees among others, all of which are very willing to devote a majority of our time to ensuring that CSX abide by reasonable safety standards and will see this through. Please consider the fact that actual human beings live in this community, and as a fellow member of human-kind, CSX employees should have the ethical obligation to be sure this project is done in an appropriate and safe manner.

From:

Sent:

Thursday, September 27, 2012 4:07 PM contact@virginiaavenuetunnel.com

To: contact@virginiaavenuc
Cc: scott.faulk@gmail.com

Subject:

Comment on Virginia Avenue Tunnel Project EIS Statement

Looking out on Virginia Avenue from the deck of my home at trench train track is running for 3-5 years where Virginia Avenue now sits, my home will be completely unlivable for myself, my husband and our 2-year-old daughter during that time. Anything but the no-build option will therefore force us from our homes and deprive us of the benefit of the investment that we made in this new, pioneering neighborhood just 3 years ago.

The unlivability that the proposed project will inflict on Virginia Ave. and I Street homeowners, is evidenced by the fact that several such homeowners (at least 4) have put their homes up for sale in the past three months, reportedly because of this impending project.

I could tolerate many things for 6 months that I can NOT sustain for 3+ years. However, CSX apparently refuses to take any meaningful steps to recognize the very changed circumstances that now exist in this neighborhood since the plan's inception and refuses to consider any approach that would reduce the amount of time that residents would be exposed to an open railroad track directly in front of their homes.

I therefore consider this project to be a direct deprivation of the value of my property. The only equitable remedy is to block the construction of the project altogether.

1 VIRGINIA AVENUE TUNNEL PROJECT Environmental Impact Statement And Section 106 Evaluation Public Meeting Skyline Hotel 10 Eye Street, Southeast Washington, D.C. September 27, 2012 6:10 p.m. Reported by: Gervel A. Watts, CERT*D

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1	APPEARANCES	
2	SPEAKERS: JOHN UNDELAND, Moderator	
3	FAISAL HAMEED, DDOT CONGRESSWOMAN ELEANOR HOLMES NORTON	
4	MARK CHESKEY, Parsons Brinckerhoff STEVE FLIPPIN, CSX CHIP DOBSON, CSX KEITH BRINKER, CSX MICHAEL HICKS, Federal Highway Administration	
5		
6		
7	Q & A COMMENTORS: BRIAN HUSEMAN LAURA SALMON MELISSA LEE RICHARD WESTBROOK MEREDITH FASCETT SHAUNA HOLMES MALVIKA BAHADARAN MAUREEN HARRINGTON GARY PHILLIPS	
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                     PROCEEDINGS
 2
              MR. HAMEED: Good evening, everyone.
                                                    I think
   we can get started. If everybody can take your seats,
    I think we're ready to start.
              Thank you. I'm Faisal Hameed with the
 5
   District Department of Transportation. I would like to
 6
   welcome you to our fourth public meeting on this
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   Virginia Avenue Tunnel Project and its Environmental
 9
    Impact Statement.
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              Actually, our director, Terry Bellamy was
   going to be here to welcome you, but unfortunately,
11
   he's at the Wilson Building and he's running late, but
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   he will be here as soon as he can.
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              So I'm going to do his opening remarks and
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15
    then when he comes in, hopefully he will be able to say
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    something. So on behalf of our director, Mr. Bellamy,
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    I welcome everyone here. I would especially like to
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    thank Congresswoman Eleanor Norton for being here. She
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   will come up here shortly to give her opening remarks.
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              I would also like to thank the Federal
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   Highway Administration. I know they also have a
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   meeting at the Office of the Secretary, so they are
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also running late, but they will be here shortly too; also the Federal Railroad Administration. I know some of the members of FRA are sitting at the back, and also our DDOT colleagues, as well as the other agency 5 colleagues who are here, and, of course, everyone in attendance from the community and the public. 6 7 This, as you've heard me say a few times, is a unique project for us. It is a railroad project and 9 typically, DDOT has not done that many railroad 10 projects. It is unique in a way because it is, again, a railroad project, but affecting the roadway system. 11 12 We are working very closely on this with the 13 Federal Highway Administration and the Federal Railroad Administration and other federal agencies, including 15 the National Park Service, the National Capital 16 Planning Commission, and the Department of Defense, the 17 U.S. Navy, in particular, Marine Barracks. 18 It is, again, a unique project for us because 19 it has a very limited action from the federal side and 20 the DDOT side. It is because of the potential closure 21 of a street and the use of the rights of the 22 interstate. That is figuring the Environment Impact

5 Statement under the federal or the National Environmental Policy Act. 3 At this point, there are no federal or DDOT funds being used on this project; it is entirely funded by CSX Transportation. We are actually looking forward 5 to working with CSX and other partners and moving this 6 7 project along. 8 I would also like to welcome Councilmember 9 Tommy Wells for coming here. Before this meeting, we have had at least three public meetings on this project 10 11 before. This is a combination of our commitment to keep the community engaged in this process. I really 12 appreciate everybody's understanding and working along 13 with us on this, because it is a complicated process for 15 us and we appreciate everybody's input. We do want to ensure, from DDOT's perspective, 16 17 that the project does analyze and take into 18 consideration all the impacts that will be affecting 19 the community so that we can document them, analyze 20 them, and come up with ways to address them. 21 forward to the feedback from everyone on this project. I'm going to quickly go over tonight's 22

6 Basically, we will start with Congresswoman Eleanor Holmes-Norton giving opening remarks. after that we will have Mark Cheskey from the project team come over and present on the project. tonight's agenda is basically that we'll have opening 5 remarks and an introduction section to talk about the 7 purpose. 8 We have a presentation to talk about the alternatives and what's being considered and also how 9 the breakout sessions will be. The meeting is set up 10 in a way that after the presentation we'll have kind of 11 12 an open house kind of a workshop session. room has the breakout sessions. We have different 13 tables and stations that include alternatives. 14 15 heard a lot about how the construction will occur on 16 these alternatives, so we will discuss that. There are also a number of issues or concerns 17 18 regarding the traffic and the maintenance of traffic 19 during construction, so we are presenting on that. 20 different construction practices can be used or will be 21 used; we are also going to have a discussion on that.

We also have something different called the Sounds of

	7
1	Traffic, which is basically a simulation of the noise
2	or sound of railroads at different levels, different
3	distances. So we have a separate room for that where
4	you can actually go and sit in and the noise will be
5	simulated at different levels. Keith, where is that
6	room?
7	MR. BRINKER: It's directly across the hall.
8	MR. HAMEED: Okay. And we'll have John
9	Undeland come in a minute to explain that too. We also
10	have stations on vibration. And also the historic
11	preservation, the Section 106 process and the culture
12	resources. Also there is one subject station for
13	general questions where you can ask anything about the
14	project, CSX or anything you want to talk about.
15	In the end, we'll reconvene, and we'll have an
16	open question and answer session. Again, John Undeland
17	will explain how that will work. So we will reconvene
18	in this room again and have that session.
19	I do want to also elaborate on one point,
20	since this is the National Environmental Policy Act,
21	Environmental Impact Statement process, we do want to
22	make sure we capture everybody's comments. So if you
I	

8 have a formal comment that you want to be documented, please either write that on the forms that we have outside, or send us an e-mail. You can also go to the website and send us a 4 5 comment, or in the Q & A session, you can come up and speak, or during the breakout session, the court 6 reporter, who is right here, will be moving to the next 7 room as well. And you can go and talk to her and record your comment in private if you want to do that. 10 But please make sure you do that because at the various stations, it's very hard for people to capture those 11 12 comments. 13 Every formal comment that we receive, when we release the environmental document, we have a section 15 where we have every formal comment received and we have 16 a section where we show how we address that comment. 17 So it will be part of our final process and will be 18 part of our record. So please make sure that if you 19 have a formal comment that you do come up here or by 20 way of all those ways I just mentioned and give your 21 comments. 22 Before we go into the slides, I would like to

9 introduce Congresswoman Eleanor Holmes-Norton. ask her to come over and give her opening remarks. CONGRESSWOMAN HOLMES-NORTON: Thank you very I want to thank the community for coming out. This meeting is being held at my request and not under 5 That is to say, CSX didn't have to have to 6 have this meeting. 8 I asked CSX to hold this meeting because it did seem to me that the more information, the more 9 participation in whatever is the end product, the 10 11 better off we will be. I appreciate Councilmember 12 Tommy Wells for being here. He's my councilmember too; I live not far from this project as well. Kristen 13 Oldenburg of ANC 6B, I believe is here. Where are you? 14 15 There she is. There are a number of other ANC Chairs or ANC Commissioners who may be here, David 17 Garrison, Gabe Garber, Andy Litsky, Jared Critchfield. 18 This is a project of great interest in the entire ward. 19 First, so that we understand this project as 20 opposed to the usual projects that the community 21 gathers to consider, this is not like a project, for 22 example, from the committee where I sit. This is a

10 national project. It was an entirely private project, except for apparently a limited amount of funds from the state of Virginia. CSX owns the project. Because of touching on some matters, however slight, in our city, the EIS has 5 been undertaken. I want to say a word about an 6 Environmental Impact Statement, a full environmental 8 impact that is going on here. 9 I have just met with some of my constituents from Ward 4 when I first got to Congress. I was met by 10 11 constituents who were faced with the tennis court up in 12 Ward 4. So members of Congress had literally dropped a tennis court into this ward, this highly residential 13 community, and there was no EIS or anything else. We 14 15 had to struggle, after the fact, to get an EIS. And it 16 proved very satisfactory. 17 It is a terribly traumatic situation for a 18 community when no EIS is done and all of a sudden there 19 appears something big and new in the midst of a

residential community. We want to avoid -- well, it

wouldn't nearly be that bad, but we want to avoid

anything that looks like it has sprouted up and the

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11 community didn't know about it. 2 Some in the community have come to see me, of course, objecting, all together, to the project. You should know that others in the community have called and have come and my staff has seen them to say that 5 they believe that the project should go ahead, sooner than later, and that there will be certain amenities 8 flowing from the project that they are for. 9 So like every community in the District of Columbia, there are various points of view in the 10 community, whether you are for the project or believe 11 12 it should occur or against the project, I hope that 13 this is a meeting that will prove to be beneficial for 14 you. We do not have the usual leverage we have in 15 16 projects because this is funded entirely by CSX. 17 also a national project. I mean, we're a small part of 18 it, you know, coming from down south and then heading 19 north and they have to come by us because the current 20 tunnel is the only point south of Baltimore that 21 double-stacked freight trains cannot pass through. 22 The NEPA project will be very important in

- 1 indicating just how the train should be accommodated,
- 2 what alterations should occur in the tunnel or if there
- 3 is another alternative. I am pleased, actually, that
- 4 instead of simply having a community meeting, CSX is
- 5 having these stations that are in the nature of a
- 6 problem-solving meeting.
- 7 Normally, if there is a project it is far
- 8 easier to mitigate its effects than to simply wish it
- 9 away. So I wish everybody would get in a problem-
- 10 solving mood, whether or not you hate the idea because
- 11 like the idea. That would be perfectly understandable.
- 12 This is a community of beautiful new homes and nobody
- 13 wants the construction and no one wants anything in the
- 14 community that isn't exactly where it was when it came
- 15 there.
- 16 But the standard that I will hold CSX to is
- 17 that the community has to look at least as good, but we
- 18 would expect even better when CSX leaves. So I thank
- 19 you for coming, and I especially thank the District
- 20 officials, CSX officials, and of course, the Department
- 21 of Highway officials are here as well to answer your
- 22 questions and to participate in this meeting with you.

13 Thank you very much. 2 MR. HAMEED: Also, I would like to recognize a couple of other folks. After I do that, I think I would ask Councilmember Wells to come and speak. 5 MR. WELLS: Keep going. 6 MR. HAMEED: Oh, okay. We do have Federal Highway's Ed Stevens here. 7 8 UNIDENTIFIED SPEAKER: It's hard to hear you 9 back here. 10 MR. HAMEED: I'm sorry. We do have people from the Federal Highway here now, Ed Stevens. I just 11 12 saw him over there. There he is. He is the deputy of the District of Columbia administrator. Actually, I 13 should have recognized CSX folks up front. So you have 15 a lot of CSX folks here. If you could raise your hands 16 wherever you are. 17 And then, of course, we can't do all this work without our consultant team. We have a number of 19 people from our consultant team here. Please raise 20 your hand. So those are all the people that you would 21 go and talk to - that's why I asked them to raise their 22 hands.

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              With that, actually, I'll just quickly go
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    over the NEPA overview and the rules and then after
    that I will hand it over to Mark Cheskey to go over the
    rest of the slides.
              As I explained in the beginning, the Federal
 5
   Highway Administration is the lead federal agency on
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 7
    this project, on the NEPA and the Section 106 --
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              UNIDENTIFIED SPEAKER: People cannot hear
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    you.
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             MR. HAMEED:
                          Is that better?
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              UNIDENTIFIED SPEAKER: Yes.
12
              MR. HAMEED: Okay. I'll go over this slide
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    first, the NEPA overview and then I will hand it over
    to Mark Cheskey, who will go over the rest of the
15
    slides and he'll take it from there.
16
              Basically, the overview of the project, as I
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    explained the in the beginning, the Federal Highway
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   Administration is the lead federal agency on this
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   project. And, again, as I described in the beginning,
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    there is a limited role because the federal action is
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   being triggered because of the potential to use their
22
    rights of the interstate system and the potential to
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15 use some of the ramps. 2 DDOT is the joint lead with the Federal Highway Administration on this project. We have a number of federal agencies contributing on this project, including the Federal Railroad Administration, the 5 National Capital Planning Commission, the National Park 6 Service, and the Department of Defense, the Marine 8 Barracks, Washington in particular. The EIS process steps -- EIS is actually the 9 highest level of environmental action, which stands for 10 Environmental Impact Statement, which I'm sure a lot of 11 12 you may know already. It is done under the National 13 Environmental Policy Act and originally, this project started as an Environmental Assessment. The Federal 14 15 Highway Administration changed the level of action 16 earlier this year with the Environmental Impact Statement. Their Notice of Intent was heard earlier 17 18 this year. We are hoping to have a draft EIS released to the public by the end of this year. The draft EIS 19 20 is released for a public comment period, and after 21 that, there is a public hearing that will occur. 22 We typically do not identify a preferred

- 1 alternative in a draft EIS, but what you will see in
- 2 the document is all the alternatives that have analyzed
- 3 and the impacts. We know everybody has been asking
- 4 about the impacts, the analysis and the results, and
- 5 you will see them in those documents. It is a long and
- 6 complicated process, but we have to get all the
- 7 analysis done, document them and then release them to
- 8 the public.
- 9 After the end of the comment period, a
- 10 preferred alternative will be selected and a final EIS
- 11 and the final decision will be released. So that is
- 12 the process that we have to go through. This is
- 13 another public meeting. This is not the public
- 14 hearing. The public hearing will be after the release
- 15 of the draft EIS. So this is not the end of the public
- 16 engagement process. That's one of the points I wanted
- 17 to clarify.
- 18 With that, I will actually hand it over to
- 19 Mark Cheskey.
- 20 MR. CHESKEY: Thank you, Faisal. Good
- 21 evening, everyone. Tonight is indeed the fourth public
- 22 meeting since the NEPA process has been initiated.

17 This meeting will provide you with the opportunity to meet one-on-one with technical experts and ask questions about the various subject matter, construction site sequencing and alternatives to various construction techniques. 5 The information gathered at tonight's public 6 meeting will also be considered in preparation for the 7 finalization of the Draft Environmental Impact Statement. The first NEPA public meeting was held approximately one year ago, last September 2011, and 10 11 kicked off what is called NEPA scoping. Public meeting number two was held last November and introduced 11 12 project concepts, plus the no build. This past spring 13 at public meeting number three, the project team 14 15 presented three build alternatives and the no build, and that became the subject of the detailed NEPA 17 analysis. 18 Purpose and Need: The purpose of the project 19 is to address the existing deficiencies of the more 20 than 100-year-old tunnel. This includes addressing 21 horizontal clearance that only allows a single track,

addressing vertical clearance that does not allow the

- 1 operation of double-stack intermodal container freight
- 2 trains and replacing an aging piece of infrastructure.
- In order to meet the freight transportation
- 4 needs of the 21st century, the tunnel's single-track
- 5 arrangement and the inability to accommodate double-
- 6 stack intermodal container freight trains requires CSX
- 7 to replace the tunnel with a more modern facility.
- 8 Moreover, the projected increase demand for
- 9 freight transportation requires taking steps now to
- 10 modernize the freight rail network. By accommodating
- 11 stack intermodal containers, CSX will be able to
- 12 transport the expected increase in freight on fewer
- 13 trains than what otherwise be possible. The ability to
- 14 double-stack intermodal container railcars would reduce
- 15 fuel consumption, along with subsequent environmental
- 16 benefits, such as reduced greenhouse gases.
- 17 Now, we will spend a few minutes to review
- 18 the alternatives that you'll see tonight. During the
- 19 workshop session, you will have the opportunity to see
- 20 a great deal of information pertaining to these
- 21 alternatives. The purpose of the next few slides is to
- 22 provide a brief introduction to this material.

19 As was mentioned, four alternatives are being 1 considered. These include the no build and three build 2 alternatives. At our public meeting last November we presented 12 concepts. At our public meeting in May, we presented four concepts that best met the project's 5 6 purpose and need that FHWA and DDOT approved to move forward into the EIS process. These concepts are now called alternatives and they've been assigned numbers 9 one through four and they've been also assigned a 10 descriptive name. 11 Alternative 1 is the no build. This is automatically carried forward into the EIS, per federal 12 quidelines. The tunnel would not be rebuilt under this 13 alternative; however, the railroad would continue to 14 15 operate trains through the tunnel. At some point, 16 emergency or unplanned major repairs or rehabilitation 17 could be required since the tunnel was over 100 years 18 old. For obvious reasons, there is not an estimated 19 construction cost or duration for this alternative. 20 Alternative 2 is called rebuild tunnel, 21 temporary runaround track. Under this alternative, a

temporary runaround track would accommodate train

- 1 traffic during the construction. The tunnel would be
- 2 rebuilt with two tracks and enough vertical clearance
- 3 to accommodate double-stack intermodal container
- 4 freight trains. It would be rebuilt using protected
- 5 open trench construction methods. The cost of this
- 6 alternative is estimated at \$175 million, and the
- 7 construction duration for the entire project is
- 8 estimated at 30 to 42 months.
- 9 It's important to note that these costs and
- 10 the construction duration are working estimates and
- 11 they have not been approved by the Federal Highway
- 12 Administration or DDOT. That applies to the other
- 13 alternatives that I'll be talking about as well.
- 14 I'm just going to briefly walk through a
- 15 construction sequence for how this might work. In the
- 16 next room, in the breakout sessions you'll have the
- 17 opportunity to review this information in much more
- 18 detail. A trench for the runaround track would be
- 19 located south of the existing tunnel. It would be
- 20 generally parallel to the existing tunnel and would be
- 21 below street level. Safety measures such as fencing
- 22 and other barriers would be used to prevent pedestrians

21 and bicyclists from accessing the runaround track or construction area. After the train traffic has shifted from the 3 existing tunnel to the temporary runaround track, the current tunnel would be demolished. Then a new double 5 track, double-stack tunnel would be constructed. Once train traffic is shifted into the new tunnel, the temporary track is removed and the street and site restoration is completed. 10 Alternative 3 is two new tunnels. This alternative involves replacing the existing Virginia 11 12 Avenue Tunnel with two new permanent tunnels. Each new tunnel will have a single track with enough vertical 13 clearance to allow double-stack intermodal container 15 freight trains. The distinguishing feature of this alternative from Alternative 2 is the use of a 17 completed permanent tunnel to accommodate train traffic 18 during the construction period instead of a temporary 19 open trench. 20 Like Alternative 2, it would be rebuilt using 21 protective open trench construction methods. The cost

of this alternative is estimated at \$168 million, with

- 1 the same estimated construction duration as the prior
- 2 alternative, 30 to 42 months.
- 3 In Alternative 3, the first
- 4 tunnel would be constructed south of the existing
- 5 tunnel. Once this first new tunnel is completed, train
- 6 traffic is shifted into that new tunnel. Then portions
- 7 of the existing Virginia Avenue Tunnel are demolished.
- 8 A second new tunnel is constructed, essentially in its
- 9 place, and street and site restoration is completed.
- 10 The final alternative is Alternative 4, a new
- 11 partition tunnel online rebuild. Alternative 4
- 12 involves construction of a partition tunnel. Its
- 13 distinguishing feature is the construction that would
- 14 occur online. It means that a single protective open
- 15 trench would simultaneously accommodate construction
- 16 activity, as well as active train operations. The cost
- 17 of this alternative is at \$208 million, with estimated
- 18 construction duration of 54 to 66 months.
- 19 In this alternative, the process starts with
- 20 excavation and then removal of the existing tunnel roof
- 21 and south wall. Train operations near demolition work
- 22 are made possible by using a movable shield over the

- 1 portion of the track in the existing tunnel. Away from
- 2 the demolition area, trains will operate on a current
- 3 track bed with the tunnel roof removed, then a new
- 4 single-track tunnel is built and train traffic is
- 5 shifted into the south section of the new tunnel. Then
- 6 the north section of the tunnel is completed and street
- 7 and site restoration is completed. Again, all of the
- 8 alternatives and construction details are provided at
- 9 the breakout session in the next room.
- 10 Project Schedule: As I mentioned, NEPA's
- 11 scoping of the project began in the fall of 2011 and it
- 12 was followed by a data collection and alternatives
- 13 development phase that continued through this past
- 14 summer. The project team is presently in the impact
- 15 assessment phase and is preparing to draft EIS. As
- 16 stated earlier, tonight is the fourth public meeting
- 17 held during the official NEPA process, and the final
- 18 meeting before publishing the draft EIS later
- 19 in the fall of 2012.
- 20 Following the draft EIS circulation, there
- 21 will be a formal public hearing, as Faisal mentioned,
- 22 and this is expected to be held in the winter of 2012.

2.4 The final EIS in Section 106 documentation 1 will be available in the spring of 2013, followed by a Record of Decision by the Federal Highway Administration. There are four ways to comment tonight. of them have been touched on, but I'm just going to go through them quickly before I turn it over to John. 7 8 First, you can fill out a comment form and drop it in one of the boxes in this room or in the neighboring 10 If you want to take the comment form home, you 11 can ask for a self-addressed stamp envelope at the main 12 desk and take it home with you and mail it in later. 13 You can speak to the court reporter, who is going to be set up in the next room for the next 15 session, and then back here for the Q & A. You can email the project team anytime at the address on the 17 screen at contact@virginiaavenuetunnel.com, and then 18 lastly, you can go to the project website and click on 19 the contact tab and you'll have an online comment form 20 there. 21 With that, I'll turn it over to John Undeland 22 to take us through the rest of the evening. John.

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25
              MR. UNDELAND:
                             Thank you, Mark. Give him a
 1
 2
   hand. Come on. Thanks, Mark.
              Well, you've heard a lot from us and we've
 3
    given you a lot of information and now is the time for
    you to interact with us in a one-on-one format. We've
 5
    got, as they've mentioned several times now, breakout
    sessions. When you go out the room here, turn to the
 8
    right.
 9
              We have six of the breakout sessions there.
    This is an area where each workshop will have a subject
10
    matter expect to kind of orient you and give a brief
11
12
   presentation. That will be repeated about every 10
13
   minutes, give or take. You can have your questions
    answered, one-on-one and move on to the next sessions.
14
    Directly across the hall is a very interesting
15
16
    demonstration that we're calling, "The Sounds of
17
    Transit" which gives a very realistic demonstration of
18
    what the sounds of construction relative to ambient
19
   noise with the highway there. It's really an
20
    interesting interactive presentation.
21
              So with that, let's break up and move on.
22
   We're going to reconvene at 7:30. We will do a plenary
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26
    session to have your questions answered here at the
   microphone. So let's get at it. Thank you.
 3
               (Whereupon, at 6:37, p.m. a
   brief recess was taken.)
 5
 6
               (7:40 p.m.)
              MR. UNDELAND: Thank you. Now we're going to
   turn to the plenary Q & A. Before we do that, I just
   want to kind of run through some ground rules here.
   We've got an assembling panel of experts here, the
10
    folks that are going to handle the substance of your
11
12
    questions.
13
              As you came in you were asked if you wanted
    to speak. We've got 11 folks signed up to speak at
15
    this point. If there is anyone who still would like to
    speak, you have the opportunity to go and sign up.
16
17
    We're going to be calling your number in order of sign
18
    in. So first come, first serve. We're going to ask
    you to come up here to the middle aisle here and grab
19
20
    the mic. We're going to ask you to state your name and
    spell your name so our court reporter can properly
21
22
    record your name for the record.
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- 1 If you happen to miss your turn, we'll just
- 2 simply put your name at the back of the line. You will
- 3 have two minutes to speak, to ask your question or make
- 4 your comment. We have a counter here, and then we have
- 5 Kaitlyn here, in fuchsia, who will be holding up signs
- 6 just as a gentle reminder to keep on schedule. So we
- 7 ask that you do stick to the two minutes so that we can
- 8 get through everybody's questions.
- 9 We're doing this in 30 minutes. Thirty
- 10 minutes has been allotted for this Q & A, so it will be
- 11 from the time we start here to the end will be 30
- 12 minutes. Everybody please respect your fellow
- 13 attendees. No applauding or booing. Please just
- 14 listen respectfully if you would. Let's go ahead and
- 15 get going.
- Our first speaker, Number 1, if you can come
- 17 to the middle.
- 18 MR. HUSEMAN: Hi. My name is Brian Huseman,
- 19 B-R-I-A-N -- H-U-S-E-M-A-N. I'm vice president of the
- 20 Capitol Quarters Homeowners' Association. I would like
- 21 to thank Delegate Norton for her leadership, for her
- 22 speech here tonight. I would like to thank ANC 6D, and

- 1 Tommy Wells, and we look forward to hearing from
- 2 Director Bellamy at a future date.
- We heard and we agreed with Congresswoman
- 4 Norton that we should work together as problem solvers
- 5 here, but I have to say that a lot of the basic
- 6 information presented tonight was a failure. There was
- 7 a failure in providing us with real information about
- 8 the block-by-block construction impacts that will
- 9 occur. There wasn't sufficient information about the
- 10 pile driving and about the jack hammering impacts that
- 11 will occur.
- 12 I think there has been a failure in these
- 13 alternatives to consider additional viable
- 14 alternatives. We're left with primarily two really bad
- 15 choices. One alternative, Alternative 3, has trains
- 16 running in a closed trench construction, but it exceeds
- 17 the right-of-way dramatically and CSX does not have the
- 18 right-of-way that's anticipated in that.
- 19 The other alternative, Alternative 4, which
- 20 narrows the footprint, but yet is a much longer
- 21 construction period and trains are running in an open
- 22 trench during construction. I think there is also

29 failure to provide us with construction timeframes. 2 This is what I really want reflected in the record. The 30 to 42-month minimum construction timeframe is completely unrealistic. What I was told in one of the sessions was that if you want to spend 5 more money we can shorten the timeframe, but CSX does 6 not believe that's economically viable. 8 I urge you to spend more money to shorten the 9 construction timeframe. Many of us can live with greater impacts and greater destruction if the 10 11 timeframe is shortened. The 30 to 42 months minimum is 12 completely unrealistic and it forces us to not be able to live in our homes and enjoy our lives. 13 Also, I think there's been a failure to have 14 15 community benefits discussion. We need to think 16 creatively about doing additional things with sound 17 barriers, additional access to Garfield Park, 18 additional greenways to make sure that's coordinated 19 with the larger District efforts, and there has been a 20 failure to talk about community mitigation during 2.1 construction. 22 We have not had discussions about buying

- 1 people's home, if they cannot live in them during
- 2 construction, no matter which alternative is chosen.
- 3 We have not had discussions about paying for rent for
- 4 people.
- 5 We have not had discussions about paying for
- 6 the Homeowners' Association and reimbursing us for the
- 7 destructions and the impacts that are going to occur.
- 8 So I think there have been some basic failures tonight.
- 9 We want to work with you to try to come up with
- 10 solutions to these problems, but we have not had it
- 11 tonight. Thank you.
- MR. UNDERLAND: Thank you. Can the next
- 13 speaker come to the mic? If the third speaker, as the
- 14 second speaker is getting towards the end, come to the
- 15 mic as well so that we can move it along. Thank you.
- 16 MS. SALMON: Hi. I'm Laura Salmon. It's L-
- 17 A-U-R-A. The last name is S-A-L-M-O-N. I'm the
- 18 president of the Capitol Quarter Homeowners'
- 19 Association. This is why Brian and I work very well
- 20 together with the Homeowners' Association.
- 21 I want to thank CSX for the information they
- 22 brought forward. I do feel like it's answered some of

31 our questions. I know there are some places where we need further information, a block-by-block understanding of it would be good. I want to reiterate Brian's concerns about the construction timeframes, not just for us, but for the community as a whole, you 5 6 know, if you could minimize that. 7 I would really like to open up a discussion with you on community benefits and things that we can do to lead the community, as you've clearly stated, a 10 better place than the way you found it. Thank you for 11 the work that went into this presentation. It was 12 clearly significant. I think that our residents 13 appreciated that and you've given us a lot to think about. Thank you. 14 15 MR. UNDELAND: Thank you. If we could just 16 actually hold applause if we would. Thanks. 17 MS. LEE: Hi. Melissa Lee, L-E-E. resident at the corner of Ι 19 appreciate all the discussions we've had with CSX. 20 have always been open in answering questions and I 21 always appreciated that, as a homeowner and resident in 22 the block that will be affected and impacted. My key

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    question is still, you know, what is your right-of-way?
    Where am I expecting, on this picture of my home here
    on the corner, where will this permanent line be,
    whether it's Alternative 3 or Alternative 4?
              I would be much better at being a problem
 5
    solver if I knew what the factors to solve were. So
 6
    that's what I'm really asking out of this session. I
 7
    still haven't received an answer on that. Again, I
    look forward to future discussions as I'm planning my
    children's future, my husband's and my future. I need to
10
    problem solve for my household. Thank you.
11
12
             MR. UNDELAND: Thank you very much. Speaker
    Number 4.
13
             MR. WESTBROOK: I'm Richard Westbrook.
14
15
    live on the southwest side. I have recorded my
16
    opposition on the record for four and a half minutes.
17
    All I want to do is kind of like a summary.
              All I can say is no freight traffic through
18
19
    the City of Washington. Start planning for it now.
20
    think the Congress and the United States ought to chip
21
    in and help on the planning and the construction for
    their own security. You can put all kinds of stuff in
22
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- 1 those containers. They're not inspected. Ten percent
- 2 are inspected, at last count. You can just blow the
- 3 hell out of everything down there with all kinds of
- 4 atomic stuff, biological stuff, so on.
- 5 So what do you do with the existing line?
- 6 Commuters and visitors only crossing that Anacostia
- 7 River. You don't need to do anything to the tunnel.
- 8 You have to take some of the pressure off of visitors
- 9 and commuters going through Union Station. And if you
- 10 also have freight traffic, you're going to have to
- 11 build another bridge at 14th Street and it's going to
- 12 be under control of the CSX Railroad and they're going
- 13 to tell you how many commuter trains, how many
- 14 passengers trains, in general, are going to cross that.
- 15 Okay, 30 seconds.
- 16 I just want to figure out, you know, the
- 17 National Park Service got approved of a National Mall
- 18 plan. In that study, they projected -- well, with a
- 19 base of 25 million visitors to the Nation's Capital
- 20 now, they project 40 million. I forgot exactly what
- 21 their date was, but it's on record that we're going to
- 22 have a lot of tourists from all over the world. We

34 should be able to accommodate them so they could walk to the Mall instead of taking a bus from Tyson's Corner Thank you very much. MR. UNDELAND: Thank you, sir. Our fifth 5 speaker, if you come to the mic. 6 MS. FASCETT: My name is Meredith Fascett. I'm also a resident of the Capitol Quarter --7 8 MR. UNDELAND: Can you spell your last name? 9 MS. FASCETT: It's F-A-S-C-E-T-T. I wanted to thank you for putting this together this evening; it 10 was very helpful. I learned a lot. I did want to 11 reiterate that just as you face uncertainty about which 12 of the alternatives you'll proceed with, our 13 uncertainty is exponentially greater. 15 We don't really understand the full impact, 16 the details of the duration. Both through our 17 community association and though our commissioner, 18 we've sent letters. So I would urge you to respond to 19 each and every item, not in a check the box purpose, 20 but so that we really understand what is coming and we 21 can figure out how to best work with you and figure out how we're going to live in our community for this very

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35
   lengthy process where the benefit for us, I would say,
   is minimal to marginal. Thank you.
             MR. UNDELAND: Thank you. Our sixth speaker.
 3
   Who is holding Ticket Number 6?
               (No response.)
 5
   All right. Let's move to Speaker Number 7.
 6
 7
               (No response.)
             UNINDENTIFIED SPEAKER: Peter Warren was
 9
   Speaker 6. Sara Hayhurst, Number 7.
10
             UNIDENTIFIED SPEAKER: Peter Warren just
   stepped out.
11
12
             MR. UNDELAND: Okay. Our eighth speaker, who
   is Andrew Shields.
13
            MR. SHIELDS: I defer. Go ahead.
14
15
             MR. UNDELAND: All right. Do I hear Number
    9? Shauna Holmes?
16
17
             MS. HOLMES: Yes. Hi. I'm not really
    speaking, so much as asking a question. In the list of
19
   steps in the NEPA process, once the final EIS is
20
   published, I'd like to know exactly what opportunities
21
   there will be for contacting the public with the FEIS,
   letting people know where to find it so they can find
22
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36 out what's in it. 2 Typically, with other DDOT projects like, "Save South Capitol Street," there was a public meeting a couple of weeks after the FEIS was published so that it could be explained to people, and there was an 5 opportunity for public comment and then time for the 6 comments to be digested before the ROD is issued, if it has been. 9 Between the publication of the FEIS and the signing of on the Record of Decision, where do we fit 10 in, what opportunities are you planning for this 11 project to have a public meeting to inform us and give 12 13 us an opportunity to respond to it before the decision is made and signed, sealed, and delivered? Thank you. 14 15 MR. HAMEED: So it is the FEIS, not the DEIS, 16 correct? 17 MS. HOLMES: Right. MR. HAMEED: Currently, the regulations 18 19 require to have a public review after the release of 20 the FEIS, before the Record of Decision is announced. 21 That's what we will follow. On South Capitol Street it was different. I think a public meeting was requested. 22

- 1 I have to go back and check because it's been a few
- 2 years since that happened, so I cannot honestly speak
- 3 on what happened on that one. Like I said, under the -
- 4 federal regulations, the Federal Highway regulations,
- 5 after the FEIS is released, there is a public review
- 6 period before the Record of Decision is announced. So
- 7 those are the current regulations. We have a new
- 8 transportation authorization build that was passed by
- 9 Congress, and there may be some new regulations coming
- 10 in. We don't know those yet because none of the
- 11 regulations have been announced yet. But as of today,
- 12 that's what the regulation is and that's what we will
- 13 follow.
- MS. HOLMES: Thank you.
- MR. UNDELAND: Okay. Our 10th speaker bailed
- 16 out as well. So we have our 11th speaker, please come
- 17 to the mic.
- 18 MS. BAHADARAN: Thanks. My name is Malvika
- 19 Bahadaran. I will spell that for you, M-A-L-V-I-K-A.
- 20 Last name is spelled B-A-H-A-D-A-R-A-N. I want to pose
- 21 a very frank question and I want a really honest answer
- 22 to it because all of our time is very valuable. Your

38 time is valuable. 2 I understand that you want questions and comments, especially after the draft EIS is published, but I feel like, to some extent, there is not too much we can do to persuade the regulators in this case. 5 6 For example, obviously Alternative 1 is 100 percent out of the question. I mean, I don't even know 7 8 -- why waste ink on it in the draft EIS, but further, I feel like I've heard today that there are certain regulations that have to met about 65 decibels and this 10 11 and that, and I'm sure those will be met because 12 they're in the regs and then the next biggest 13 consideration is money. Everybody knows that less money is better 14 15 than more money, but really, what do you want to hear from us in terms of comment? Where can we make an 16 17 impact? Where are you going to listen to the 18 community, in what areas? MR. HAMEED: Actually, all of the above. 19 20 That's the frank answer. The decision is not made on 21 one issue. That's the intent of the NEPA process.

That's why you see so many issues out on the table.

- 1 There is noise impacts, vibration impacts, traffic
- 2 impacts, community impacts, historic resource. At the
- 3 end of the day, the lead agencies have to make a
- 4 decision based on all those areas. I'll be frank, it's
- 5 not just public input. Public input does have a weight
- 6 in it, but there is cost consideration, there is
- 7 environmental impact consideration, historic resource
- 8 considerations, and these somehow have to make a
- 9 decision by looking at all those impacts. That's why
- 10 it's taking so long because there are a number of
- 11 things that we have to analyze.
- 12 There are not only regulations, but they also
- 13 prescribe certain ways to do those things to analyze
- 14 those impacts. So once we have all that information
- 15 and after we actually have that, the draft EIS will be
- 16 released so that everybody can see what those impacts
- 17 are at one location. We'll have a public hearing after
- 18 that and you can come back and provide us comments.
- 19 Again, I think I've said this before, but the
- 20 public meetings are not the only ways to provide us
- 21 comments. You can still provide them through e-mails
- 22 of whatever it is that we've talked about and then we

40 will look at all those comments. I know that it may sound to you that not all the comments are being addressed, but we do take them into consideration. compile them and take a look at them again, as we move forward and then make a decision. So I cannot say that it is one issue that will drive the decision; it is actually all of the above. And that's how the decision 7 will be made in the end. 9 MS. BAHADARAN: One of the things that I didn't hear about tonight was construction time 10 11 periods. Will that be addressed in the draft EIS? MR. HAMEED: It will. This is our first 12 13 attempt at doing that. There were so many things involved. It is kind of a complex construction 14 15 mechanism. 16 So again, we have not agreed to anything. 17 These are the potential timeframes, the sequencing that 18 have been put together. We still need to work on 19 those. Even after the draft EIS is done, then we can 20 still go back and look at the comments we get and then 21 see if those can be further improved.

So I don't know at this point if those will

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41
   be the final numbers. They will probably change to try
   to improve them, and then we'll make a decision. So
   construction impacts, yes, they are part of the impact
   assessment and they will be part of the consideration
   for the decision.
 6
             MS. BAHADARAN: I'm sorry; I wasn't clear
   enough. I meant the time during the day during which
 7
   the construction will occur. For example, from 8:00
   a.m. onwards or 7:00 a.m. onwards.
10
             MR. HAMEED: Actually, it is typically
    considered how you do construction, especially in the
11
12
    city. So maintenance of traffic, having traffic
    sequencing, what time the construction occurs is a
13
   consideration. So we will actually have that
15
   discussion as we move forward. Like I said, honestly,
    I do not have all the answers, but we will take that
17
    into consideration too.
18
             MS. BAHADARAN: Thank you.
19
             MR. UNDELAND: Do we have anybody else signed
20
   up to speak?
21
             MS. HARRINGTON: Yes. I'm Maureen
22
   Harrington, H-A-R-R-I-N-G-T-O-N. I would like to say,
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- 1 first of all, I share the concerns that my neighbors
- 2 have already expressed and I'm going to revisit some of
- 3 those. The block-by-block analysis of how this would
- 4 play out would be very helpful, and in particular, my
- 5 block, which is Virginia Avenue between Third and
- 6 Fourth Streets. I would be interested in seeing
- 7 exactly where some of these lines are drawn for the
- 8 construction footprint for where the trains are going
- 9 to go for each of the remaining alternatives. You do
- 10 have the diagrams, of course, but our homes are so
- 11 close to this, at a difference of five feet or more can
- 12 make a big difference.
- 13 I'd also like to see exactly where Virginia
- 14 Avenue is going to be when this is finished. I learned
- 15 recently that it's going to be made more of a straight
- 16 line and I don't have quite a sense yet of where that's
- 17 going to be. So if that walk-thru could include that
- 18 and whatever additional materials that are posted on
- 19 the website could include that.
- 20 Also I'd like to ask in terms of the
- 21 construction timeframes -- and this has been brought up
- 22 before -- whatever is agreed to, what incentives will

43 CSX have to adhere to those? Will there be penalties if they take longer? Will there be rewards if they finish sooner? We're worried that we're going to be told one thing as part of this process and then like most construction projects, this is going to drag on. 5 6 Finally, something else that I've bringing up for more than a year is the claims process. There's a 7 8 general reassurance in the FAQ that CSX's claims 9 department will handle this and we'll get more 10 information later about how that works. 11 My neighbors and I are concerned that if there is damage to our homes that we're going to have 12 13 to go through some protracted legal process, maybe hire lawyers and spend a lot of time and money trying to get 14 15 back a fraction of what we've been damaged. It would be nice to know a little more about how that is going 17 to work and what sort of system will be put in place. 18 Actually, if there is someone who can address 19 that now that would be wonderful because you guys 20 aren't new to this. I'm sure you have some idea of how 21 you're going to handle it.

MR. HAMEED: I'm not going to answer that

- 1 last question; somebody from CSX will. I did want to
- 2 clarify one thing first, from yesterday's meeting.
- 3 Virginia Avenue is not being made a straight line.
- 4 Part of the alternative improvement is to make it
- 5 consistent with how it used to be in the original plan.
- 6 That's what was stated yesterday. So I just wanted to
- 7 clarify that. If you look at the original plan, it is
- 8 a little -- I think on the north side than on the south
- 9 side.
- 10 MS. HARRINGTON: So it would actually be
- 11 moving farther away from our homes?
- MR. HAMEED: Mark, is that current?
- 13 Honestly, well, I don't know, but it's going to be part
- 14 of the improvement, to make it consistent with how it
- 15 was in the Lawn Front plan. So that's what we're
- 16 trying to look at. So it's not being straightened,
- 17 like straight shot. If it's a diagonal street, it will
- 18 remain a diagonal street. That's what I wanted to
- 19 clarify. It's not going to be make into a 90 degree
- 20 street, but there will be some shift in the alignment.
- 21 MS. HARRINGTON: Whatever the change is, it
- 22 would be helpful to see the specifics. Because again,

45 in our small --2 MR. HAMEED: Yeah. And I actually agree. It's a fair comment and the comment that was made earlier of how close it is to the footprint of the existing buildings is actually a fair comment. 5 will take that back and actually see if we can also show that nod on the plan, kind of in a typical section, right in front of where the lady before was So that is a fair comment and we will take 10 that back and see what we can do. 11 For the claims and other things you asked, somebody from CSX will have to answer that. 12 13 MR. BRINKER: Maureen, your question regarding claims, as what many of you know, CSX is in 15 the process of establishing a community office. will be one vehicle that if you do have a claim or you 17 believe you have a claim, you can visit our community 18 office. We will have a process to where your request 19 will be directed to the appropriate people at CSX for 20 evaluation. 21 MS. HARRINGTON: Right. Is it going to be regular civil standard --22

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46
 1
              THE REPORTER: Please use the microphone.
 2
              MS. HARRINGTON: Yes. Sorry. Will it be
    something more relaxed than a civil litigation standard
   where we have to -- it just seems like with everything
   that's going to be going on, just a few feet from our
 5
   homes that maybe the burden of proof should shift a
   little bit or certain types of damage occurs, cracks in
   the foundation and whatnot that it's more likely than
   not that the construction caused it rather than having
10
   to prove that it was an impact from the time the homes
11
   were built.
12
             MR. BRINKER: Yes, Maureen. I'm sure that
   you can understand, you know, every situation is
13
    unique. The process is related to that particular
14
15
    situation can be very simple or it could also be very
   difficult. Each one will honestly be evaluated and
17
   handled appropriately in a reasonable fashion.
18
             MS. HARRINGTON: Well, that didn't really
    sound like a solid answer.
19
20
               (Audience chatter.)
21
             MR. UNDERLAND: All right. Folks, we have
   one more speaker signed up, our 13th speaker.
```

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47
                             Hi.
                                 My name is Gary Phillips.
 1
              MR. PHILLIPS:
 2
    I live on the
                                                      Ι
    share many of the concerns that have been raised here
    and in other meetings and in some of the comments that
   were filed. I have focused my questions in the past
 5
    and my interest on noise in specific, and more
 6
    specifically, the noise that comes from the train
   horns.
              In the past, we've been told that CSX would
 9
   be applying for a waiver of the federal requirement
10
11
    that the horns be blasted when the trains enter the
             Even today, without an increase in the number
12
13
    of trains, that noise is extremely annoying.
    piercing. When I went to the sound presentation today,
15
    far from alleviating my concerns, the little I could
    understand from the presentation -- and it was somewhat
17
    little -- it only exacerbated my concerns because it
18
    seemed like the methodology that is being used is to
19
    gage noise over some extended period as an average.
20
              So if a train comes by once an hour and
21
   blasts its horn, wakes you up from your sleep and it
    all lasts about 30 seconds, well for 59 minutes and 30
22
```

48 seconds there is no noise, but for 30 second it's piercing noise, if that's the methodology and if that methodology is driving CSX to make a filing that says the increased noise from the horns is not going to be a problem, that's moving in the opposite direction from 5 what we had previously been told and led to expect. I 6 would just ask each of you what would you rather have, 7 white noise of some level that was continuing or would you consider worse if somebody screamed in your ear 10 once an hour for 10 seconds? 11 So if someone could answer the question of 12 what is the status of that waiver request and what are 13 the prospects for it? I'd like to know. Thank you. MR. FLIPPIN: Looking at horns, and we've 14 15 talked about this before, horns are a safety device 16 that alerts people that may not be where they're 17 supposed to be or working in that area that the train 18 is coming. It's a safety device that we're required to 19 have and use.

and signaling, there is the opportunity there for us to

eliminate the horn. That is something that we continue

As we go through reconstruction of the tunnel

20

21

- 1 to work on and continue to look at and could
- 2 potentially be a part of this project. That is
- 3 something that we've worked through with the FHWA and
- 4 FRA as well to see if that's part of the end result of
- 5 this project. It is something that we are working on
- 6 and something that could be a part of it, to eliminate
- 7 that horn noise at that tunnel.
- 8 So we could add additional safety devices
- 9 within the tunnel that would alert anyone inside tunnel
- 10 who is working or that was there who aren't supposed to
- 11 be there, even though we have other security systems to
- 12 prevent that, from being aware that the train is coming
- 13 and to take the safety precautions that they need to so
- 14 that they're not hit by the oncoming train.
- 15 MR. PHILLIPS: That's the answer that we have
- 16 received in the past. To the extent that the efforts
- 17 are concerted and sincere, I appreciate it. My concern
- 18 is this: when I came here today, what I'm hearing is
- 19 you guys hired an engineering firm. I'm a lawyer. I
- 20 know how expert witnesses go. You hire an engineering
- 21 firm that's going to perform a study that gives you the
- 22 results that you want.

```
50
              What I'm hearing today is that a study is
1
2
   being submitted, and from what I can tell, has a bogus
   methodology and that it's going provide a result that
    says horn noise is not a problem.
              So why should I take comfort in thinking that
 5
   this waiver is going to be granted different methods
 6
    for addressing safety are going to be adopted when
7
8
   you're going in and saying there's really no problem
 9
   with the noise in the first place?
10
             MR. DOBSON: First of all, the noise issues
   are submitted as part of the DEIS for the agency's
11
            That's part of what the agencies do.
12
   methodology -- is it federal regulations or is it
13
    specific to Department of Transportation?
14
15
             MR. HICKS: Well, federal regulations.
16
             MR. DOBSON: So the methodology is per the
17
    federal regulations. I think part of the task of the
18
    agencies is to ensure that the federal regulations are
19
   properly applied to the noise study that is done. So
20
   the regulation, the methodology is per the federal
21
   guidelines.
22
             MR. PHILLIPS: Right. But there have been
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- 1 other railroads that have adopted different approaches
- 2 for safety. They have been approved by the feds, for
- 3 example, they have mounted horns inside a tunnel and
- 4 then horns are pointed into the tunnel, you know,
- 5 instead of the train blasting the horn, and that
- 6 requires a commitment, and resource commitment by CSX.
- 7 So this issue has been raised and out there
- 8 for a long time. I'm not hearing that CSX is willing
- 9 to make the commitment of resources to find another way
- 10 that would be approved by the feds.
- 11 MR. DOBSON: I mean, I think Steve addressed
- 12 that, you know, that we have incorporated that into
- 13 looking at that as part of the design in terms of
- 14 replacing the tunnel.
- MR. PHILLIPS: That's the same answer. Well,
- 16 there doesn't seem to be any progress. And in fact,
- 17 there is backwards movement because you are submitting
- 18 a study that says that noise is not an issue. I don't
- 19 know what the chances of a reasonable --
- 20 MR. DOBSON: The studies tonight were to talk
- 21 about the methodologies. The studies tonight were not
- 22 to indicate what the results of the noise studies were.

52 That has been submitted for agency review with the initial of the DEIS. 3 MR. HAMEED: Just to answer that, briefly, from the agency's perspective, I mean, CSX, of course, has to work with the neighbors and other things, but we 5 have not reviewed the noise analysis or the vibration analysis. So once we go through that, we will also see 7 what methodology was used. I mean, we have some idea of what was used, but we do not know the results yet. 10 So first we need to see what the results are. Is there is an increase or not increase to the 11 12 standards? And then if there is, what mitigation 13 measures have to be taken. So your point is actually well taken. I think it's a valid concern. So we will 15 actually have that in our mind when we review that 16 analysis. 17 Part of the entire process is not only to 18 look at the alternatives, but also the impacts. 19 end result is also to look at what we can do about

can do about those things. So we will take that back

So what you're getting at is actually a fair

It's kind of what we call mitigation of what we

20

21

22

point.

53 and we will take that into consideration when we review those documents and those analyses. When the final decision is made, that is 3 going to be one of the factors. So hopefully we can address that. Like I said, I do not know the results. 5 I do not have the analysis, so at this point I cannot 6 speak. Is it exceeding? It's not exceeding. It's not 7 going to make a difference, but hopefully we'll know that soon once the studies are completed. 10 MR. HICKS: Can I say one thing? 11 MR. UNDELAND: This is Mike Hicks with 12 Federal Highway. 13 MR. HICKS: That's a good guestion. have a threshold above which they have to mitigate, as 15 Faisal said. When they gave the noise presentation in the other room, I'm not sure if he talked about the 66-17 decibel threshold - above that you have to mitigate for 18 That is something that I am aware that is an issue 19 in the community. I'm aware of the proximity of the 20 So we will, as Faisal said, take a really 21 close look at that to try to mitigate that impact on 22 the community.

	54
1	So as Faisal said, again, the information has
2	to be presented. We have to study it and we have to
3	see where we stand in terms of noise. But I'm sure FRA
4	and Federal Highway will definitely take a hard look at
5	the noise impact on the community.
6	MR. UNDERLAND: All right. Well, folks,
7	thank you very much for your questions. As we're
8	breaking down, if you want to grab any of our experts
9	for any individual one-on-one questions, please feel
10	free to do so. I would also remind you that all the
11	materials, the presentation and so forth that has been
12	brought forth tonight is on the website,
13	virginiaavenuetunnel.com. Thanks so much for coming
14	out.
15	(Whereupon, at 8:15 p.m., the
16	proceedings were concluded.)
17	* * * * *
18	
19	
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21	
22	

		61
1	CERTIFICATE OF NOTARY PUBLIC	
2	I, GERVEL A. WATTS, the officer before whom	
3	the foregoing meeting was taken, do hereby certify that	
4	the testimony that appears in the foregoing pages was	
5	recorded by me and thereafter reduced to typewriting	
6	under my direction; that said deposition is a true	
7	record of the proceedings; that I am neither counsel	
8	for, related to, nor employed by any of the parties to	
9	the action in which this meeting was taken; and	
10	further, that I am not a relative or employee of any	
11	counsel or attorney employed by the parties hereto, nor	
12	financially or otherwise interested in the outcome of	
13	this action.	
14		
15		
16		
17		
18	GERVEL A. WATTS	
19	Notary Public in and for the District of Columbia	
20		
21		
22	My Commission expires: January 31, 2014	

VIRGINIA AVENUE TUNNEL PROJECT

Environmental Impact Statement

And

Section 106 Evaluation

Public Meeting

Skyline Hotel

10 Eye Street, Southeast

Washington, D.C.

September 27, 2012

6:10 p.m.

Reported by: Gervel A. Watts, CERT*D

Capital Reporting Company Breakout Session 09-27-2012

		2
1	APPEARANCES	
2		
3	BREAKOUT SESSION COMMENTORS:	
4		
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		3
1	BREAKOUT SESSION COMMENTS	
2	1'ma	
3	D.C. licensed tour guide, but also a retired urban	
4	planner for the last 50 years, since 1985, starting	
5	with Arlington County. I also worked for the National	
6	Capital Planning Commission for 20 years. So I have a	
7	certain understanding about city development and what	
8	should be done.	
9	I'm very concerned about the security of the	
10	freight train running through the City of Washington,	
11	that close to the Capitol. It's about three blocks	
12	from the House office buildings.	
13	Now, I don't know what you could do putting	
14	in a container with all kinds of biological weapons,	
15	chemicals, nuclear stuff. You could get one of those	
16	containers and put them in four or five of those	
17	containers and have them go all off as soon as they	
18	come from that tunnel, right there south of the Capitol	
19	on New Jersey Avenue or whatever it is, and on down to	
20	what has been planned recently there's a draft plan	
21	out that hasn't been approved yet, called the Eco	

District of Southwest. That district goes from

- 1 Independence Avenue to Maine Avenue from 12th Street
- 2 over to Sixth -- no, it actually goes to Fourth Street.
- 3 It has a piece over at Fourth where the Eisenhower
- 4 Memorial is, which is under a hopefully redesigned --
- 5 because the Eisenhower family is dead-set opposed to
- 6 what's been planned so far.
- 7 I think we've got to look at an alternative
- 8 of rerouting freight traffic going south from
- 9 Baltimore, roughly the 301 corridor, crossing the
- 10 Potomac at Dahlgren. There is a railroad trestle
- 11 crossing right now. I can't see why you couldn't do
- 12 that. It would cost you money, yes, but maybe Congress
- 13 should appropriate the money to secure this Nation's
- 14 Capital, including Capitol with an O-L, the building,
- 15 not counting the House Office Buildings because they
- 16 are immediate.
- 17 I think you could also send these freight
- 18 trains due west from Baltimore if that's where most of
- 19 them are coming in. I think there's a crossing at the
- 20 Point of Rocks. This has been discussed by the
- 21 National Capital Planning Commission and they did a
- 22 report on it. I think it was last year, but it was

- 1 just last year, not this year. There was no action
- 2 taken on it. So this is what should happen. The
- 3 National Capital Planning Commission is the Federal
- 4 Government's planning agency for the city of Washington
- 5 and the national capital region.
- 6 The City of Washington also prepared the
- 7 local elements of the comprehensive plan. So it is one
- 8 comprehensive plan, federal elements, and District of
- 9 Columbia elements. So you got to listen to that and
- 10 you've got to look at what the report said to do.
- And another thing, we are going to have an
- 12 increase in tourism in this city. The National Park
- 13 Service, in preparation for getting the National Mall
- 14 approved, stated that the current level is 25 million
- 15 visitors now. They projected up to 40 million. I
- 16 can't remember the year that they said it would be 40
- 17 million, but that's a lot of people.
- 18 So that's why I said take that tunnel route
- 19 that crosses the Anacostia and make it for commuters
- 20 and tourists only. No freight. You have to think
- 21 about commuter traffic, which is now -- I don't know
- 22 what happens to the trains that come in and drop people

- 1 off at that southwest Seventh Street and how they turn
- 2 around and go back because they have the right to go up
- 3 to Union Station. I guess maybe they go up there and
- 4 turn around.
- 5 There's also commuter traffic coming in from
- 6 the Maryland side to Union Station. This is getting
- 7 very critical about more trains, more people, more
- 8 commuter traffic and more visitors. And if you got the
- 9 freight traffic still going through that tunnel, double
- 10 containers, it's dangerous, and then crossing the
- 11 Potomac at 14th Street, you know, and now they're
- 12 saying we probably can't handle it. You may have to
- 13 build another railroad bridge.
- So I think this is a real bummer. Do not
- 15 build to improve that tunnel. Keep it as it is for
- 16 commuters and visitors for traffic. Thank you.
- 17 I had a few comments tonight.
- 18 Like many of the other residents, I have concerns about
- 19 the community, the noise waivers, especially around the
- 20 methodology used to approach what is the baseline for
- 21 the noise or sound strategy. My questions specifically
- 22 around the methodology are what is the strategy or

7

- 1 approach for noise abatement during each phase and step
- 2 of the construction process, depending on what
- 3 alternative is chosen. What is the noise baseline and
- 4 what factors were used to establish the baseline,
- 5 including the methodology? In which phase will we see
- 6 street closures during the project, step-by-step
- 7 explanation?
- I guess one of my concerns is in regards to
- 9 federal regulations. This is a community that is built
- 10 to exceed regulation standards. Most of our homes are
- 11 built above and beyond the quality of city standards or
- 12 construction codes. I think it's important to note
- 13 that we probably expect the same excellent standard to
- 14 be applied to the new Virginia Tunnel Project.
- What is the approach to confirm parking
- 16 schedule of construction workers and equipment? What
- 17 will the impact be to the surrounding area? What is
- 18 the plan and strategy to mitigate utility disruptions?
- 19 There was little to any information about
- 20 utility disruptions and/or workarounds that are going
- 21 to happen. This is a big concern. What is the
- 22 contract of each alternative, including the structure

1	of the contract, including incentives and disincentives
2	for those that are going to be paid to work on the
3	project? Are there incentives for early completion?
4	I think the concerns raised around what the
5	claims process is going to be, there needs to be solid
6	guiding principles, as well as an approach or
7	methodology above and beyond. Will there be a local
8	office to go and file claims? I think it's important
9	for our local district and ward leaders to make sure
10	that's implemented in a formal structure so that its
11	constituents are not impacted.
12	I really think we probably need an approach
13	for an independent noise study, either by DDOT or by
14	the Federal Highway Administration, above what CSX does
15	today, just because based on their approach and
16	methodology, I have concerns that the results are going
17	to be skewed. Thank you.
18	* * * *
19	
20	
21	
22	

COMMENT CARD

Public Alternative Meeting Virginia Avenue Tunnel Environmental Impact Statement Project Alternatives & Section 106 Evaluation

Washington, D.C. (September 27, 2012)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send it through the mail.

Name:			
Email Address (please include if yo	ou want to be added to the	email mailing list):	
Mailing Address (please include if	you want to be added to t	he mailing list):	
		1	***
How did you hear about the meet	ing?		
Newsletter	Newspaper	Other	
Website	Advertisement		
COMMENTS			
Your opinions are importan questions and comments. A comments received during	All comments will be taker	n into consideration. All wr	itten
Was the open house format of tor	night's meeting effective?	Yes X No Room	ns/breakour to Loud
In the future, how would you like			ments?
Website Newsletter	<u>/ }</u> Email Mailing List	Additional Meetings	Cwhich is
U.S. Department of Transportation Federal Highway Administration	DISTRUCT DEFARTMENT OF TRANSPORTATION	[csx]	tunny lecouse the project will also be

Do you have any comments regarding the project?
I am disappointed to lose the old growth
trees along viginia our. They are a treasure
to the reighborhood and they also provide
an excellent sound barrier to the highway
If you cut then down I would like to so
sound proofing installed along 295. (Example:
See the construction to parts of the Wilson Bridge)
I wish for you to preserve the trees, but it
I wish for you to preserve the trees, but it that is not possible don't hit us with a double
whammy.
-
Did the meeting answer your questions? If not, please explain.
Too difficult to hear at the individual
Breakouts, Only the people 2 Foot from the
presents could hear or be heard.
- The state of the
THE STATE OF THE S
Western Committee Committe
TOTAL

Please return your comment cards tonight or mail to the following address by October 26, 2012.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

You may also email your comments to contact@virginiaavenuetunnel.com

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-
How did you hear about the meeting?
NewsletterNewspaperOther
Website Advertisement
COMMENTS
Your opinions are important to this project. Please use the spaces below to write your questions and comments. All comments will be taken into consideration. All written comments received during the course of the study will be made available for review.
Was the open house format of tonight's meeting effective?Yes $\ \underline{\mathcal{X}}$ No $-SesSionS$ nea
In the future, how would you like the project team to share updates and new developments? 4060
Website Newsletter & Email Mailing List Additional Meetings Work
U.S. Department of Transportation Federal Highway Administration Destruct Department of Transportation One of Tr

Do you have any comments regarding the project?
(1) Concerns around "hoise" somples including
current construction levels in area
which will be finished when CKS proje
Links off
District the state of the state of
LE Noise sangles as not include werkend
(3) "Noise" Sample and not include or
may have incheded pational game
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COMMENTS					
questions and o	are important to this project. Placements. All comments will be eived during the course of the st	e taken into consid	eration. All written		
Was the open house fo	ormat of tonight's meeting effeuld you like the project team to	ctive?Yes	_No wicon	one time struction	
				ts! When we.	
Website N	lewsletter Email Mailing	List Addition	nal Meetings	tolks	







Please closely consider the community residents
needs + purpose for this project. This means
1) Protectour livelihoods
·Consider that many of the residents work
primarily from their household
· Consider that many residents (Sp. Citizens)
live in the impact area during the 9-5pm time frame
2) Protect archildren
· We cannot have the consistent level of
trainstraveling through open trenches with a
without angoing construction
Did the meeting answer your questions? If not, please explain.
extend beyond the NEHH-required Studies. Import
occurs when an excausior removes diretorday. Impac
happens when
· Dost, dirt, smell areall necessary when you have
a 100-year-old tunnel demolished + reduli It. How will
this be dealt with so it does not cause my children
to live in an unhealthy situation. Please note that I
do not accept an answer that this will be dealt with
according to regulations. I demand that CSX goods Wet
beligned acceptable measures.
3) Project our home VAWES.
Please return your comment cards tonight or mail to the following address by October 26, 2012.
· Wedready have real results that homes on the
harket havehad touled socioeseinboomorruse of an impending project
Washington, DC 20005
CSX deal with me if I must move during this
construction period or post-construction?
Please do not say that this project has no impact on
home values. That is an unacceptable response

COMMENT CARD

Public Alternative Meeting Virginia Avenue Tunnel Environmental Impact Statement Project Alternatives & Section 106 Evaluation

Washington, D.C. (September 27, 2012)

Thank you for your participating in tonight's meeting. You may either leave your comment card at the designated location or send it through the mail.

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Mailing Address (please inc	clude if you want to be added to the r	nailing list):
low did you hear about th	e meeting?	,
Newsletter	Newspaper	Other
Website	Advertisement	HOA Capital Quarter Phase II
COMMENTS	*	email blast
questions and comm	nportant to this project. Please use the nents. All comments will be taken intudening the course of the study will be	o consideration. All written
	- // /	The physical set-up was Yes _No not- stations t
Vas the open house forma	it of tonight's meeting effective? 🗡	Yes No not- stations t
n the future, h <mark>ow would y</mark>	ou like the project team to share upo	dates and new developments?
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U.S. Department of Transportation Federal Highway Administration	DISTRUCT DEPARTMENT OF TRANSPORTATION	Additional Meetings no orderly propers such stational to assure on and sequential
		and sequential

Do you have any comments regarding the project?
Comments submitted by The capital Quarter Phases I & II
HOA cof which time a member) raised ouncoins that Opher
Alternative 2, 3, # 4 - any involving construction - world
drive rodents and insects conventy confined to the existing
June into the ourrounding communities, including its parks
and shared spaces, the alleymoups among town Lorres, and the
areas along structures. Exposure to vodents and insects
potentially would pose half safety activities visks of harm
to residents, especially dildren and pits, and to personned private
property. As someone who moved from legan and to this
as the night sightings of multiple 1825 scorrying between docted places and appropriately resting in the wells of my building Couch The Did the meeting answer your questions? If not, please explain.
as the nighty sightings of multiple tests scarrying between docte
Did the meeting answer your questions? If not, please explain.
I could hear them moving withing the walls of my bedrain)
I wer desappointed that this concern-already raised in commonts
previously submitted - was not addressed. I would like the
parties inwived in the planning of this now project to address
acress the libelihood that construction would result maninercase
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Please return your comment cards tonight or mail to the following address by October 26, 2012.

Stephen L. Plano Parsons Brinckerhoff 1401 K Street NW, Suite 701 Washington, DC 20005

NEPA COMMENTS REGARDING THE VIRGINIA AVENUE TUNNEL PROJECT:

For Submission on September 27, 2012, to:

Steve Plano
Parsons Brinckerhoff
1401 K Street NW, Suite 701
Washington, DC 20005
contact@virginiaavenuetunnel.com

THE RECONSTRUCTION OF THE VIRGINIA AVENUE TUNNEL IS INEVITABLE.

The current Virginia Avenue Tunnel is over 100 years old. It requires major reconstruction using 21st century technology, materials, and construction techniques, to reduce the likelihood of unanticipated incidents and emergency repairs.

Numerous construction projects planned for and in progress in the Near Southeast community are constant reminders of the revitalization, progress, and prosperity of our area.

While the Virginia Avenue Tunnel Project (the Project), like all of the area's development plans, may create a short-term inconvenience for residents and visitors to the area, it will result in long-term value and benefits for our community as well as for our nation's economy.

The planned Project is subject to the federal National Environmental Policy Act (NEPA) which requires the assessment of environmental and community impacts and extensive public involvement. The NEPA process has worked responsibly for over forty years all across the U.S.

Therefore, we, the undersigned residents and community leaders of the Near Southeast Community of Washington, D.C. believe it is in the best interests of the community at large that the reconstruction of the Virginia Avenue Tunnel Project moves forward sooner rather than later.

We respect the NEPA process and the U.S. Federal Highway Administration to fulfill the letter and spirit of the law for protecting our community by adequately addressing our construction phase concerns over relevant issues such as access, health, safety, air quality, traffic, and pest control, among others.

We endorse a transparent, direct, and respectful dialogue among and between all citizens and interested parties over these short-term construction impacts on the community at large, and we request consideration of potential, long-term post-construction, community-wide benefits for improving our urban quality of life.

Sent:

Friday, September 28, 2012 12:47 PM contact@virginiaavenuetunnel.com

To: Subject:

Virginia Avenue Tunnel Project Public Comments

To CSX,

This email serves as my public comment regarding the planned Virginia Avenue Tunnel project.

As a resident of the neighborhood affected by the project, as well as an expecting father, the preferred option is either Alternative 1 (i.e. No Build) or strong reconsideration of bypassing freight (of various industrial and chemical materials) around downtown Washington, DC. While I'm realistic and aware the CSX has little real interest in the voices of the citizens affected most by these plans, if the project does proceed forward, please provide the resources necessary to ensure this project is done in an expedited manner with limited delays to mitigate the significant impact on the communities involved.

The following are issues/comments regarding this project:

- 1. Why was the project not done when a large portion of the affected area was being demolished or even under construction? EYA and the DCHA planned for the redevelopment of the former Capper housing units for years and the project could have been coordinated during a time when there was already substantial construction in the neighborhood and more importantly before the bulk of the families, children, pets, etc. moved into the area.
- 2. How are CSX and the federal agencies involved taking into account the potential financial impacts of the developing neighborhood? The Capitol Riverfront/Near Southeast/Navy Yard neighborhood is a burgeoning area of downtown Washington, DC with numerous residential, retail and office developments in progress or starting construction soon. There are significant financial resources being directed to the neighborhood (billions of dollars). What efforts are being made to limit the impact on that development such as pedestrian access from the North, traffic patterns and aesthetic maintenance of the neighborhood during the 3-6+ years of construction? During that time frame there are thousands (and potentially 10,000+) people expected to move into this area, dozens of restaurants planned, multiple office buildings, another large public park, a grocery store (and on and on) and obviously this project has the potential to affect the overall development of the entire neighborhood in a substantially negative economic way. How is the projected population growth of the neighborhood over the next five or more years being accounted for in the plans (for traffic, access, commuting, etc.)?
- 3. The Washington Nationals are a really good baseball team and likely a contender for the foreseeable future. The Washington Redskins are an improving football team. Winning teams attract more fans and visitors to the parks. Currently, traffic in the neighborhood is congested and difficult to negotiate on game days with long commutes, difficulty getting home and other inconveniences. This is tolerated because the fans bring the need for continued development, however, how is the periodic influx of 30,000-40,000 people 81 times a year as well as ~50,000 people 8 times a fall being accounted for in the traffic patterns? While clearly all of these patrons do not drive to the parks, a large percentage do, and restricting highway access, ramp closures, changing traffic patterns, decreasing the number of lanes available to come and go along Virginia Avenue has a significant impact on the lives of everyone needing access to the neighborhood as well as the patrons of these improving teams. How has this been accounted for in the project?

4. What is being done for the homeowners most affected by the construction and the significant impact this will have on property values? Many of the homeowners along Virginia Avenue purchased their homes prior to the announcement of any plans for this project. If these people are forced to leave (for work, family, unsafe area for the kids with the trains running <50 feet from their homes) what is being considered to mitigate the impact on the property value of the homes? The vast majority of the homes affected in the neighborhood have market values of \$800,000 to >\$1,000,000 dollars depending on the model, features, etc. For a project that may last (as currently estimated on the CSX website) from 3-5+ years, it will be virtually impossible to recoup true market value of these properties while the construction is taking place. And this is with an ON-TIME construction schedule, which if not met, could easily extend the project to the 5-7+ year range.

Once again, the city, neighborhood, developers of the various neighborhood projects, citizens, children of the neighborhoods, patrons to the various athletic events in the neighborhood do not benefit from this project. The only real beneficiary is CSX who is unwilling to consider the best option for all those listed above which is elimination of freight traffic through downtown Washington, DC. Therefore, the only clear option left available is Alternative 1. CSX had decades to improve this corridor. Why must the project be done at a moment when the neighborhood is becoming a destination in DC with billions of dollars of development planned? Other than cost, why is re-routing freight traffic around DC not an option? If the project must proceed forward, why can't CSX provide the resources to ensure the project is completed in 2-3 years?

Sent: Monday, October 08, 2012 11:10 AM

To:

contact@virginiaavenuetunnel.com; michael.hicks; twells@dccouncil.us;

Subject: Sept 27, 2012 Meeting Input

Hi Virginia Avenue Tunnel Project,

Please find below my comments from the September 27, 2012 public meeting to be included in the record:

Construction Timeline-- The community needs to see a more detailed construction timeline for each alternative in the draft EIS. The ranges do not provide enough information to make an educated decision on what will have the least impact on the community. How long will it take to remove the top to the existing tunnel vs. how long to dig a completely new tunnel vs. how long will it take to rebuild the road once the tunnel work is complete? The impacts of these different construction phases are very different to us as residents living next to the project and will impact our comments to the draft EIS alternatives. Also, overall the timelines seem exorbitantly long and breaking it down into tasks will help us to better understand the entire construction project. The entire ballpark was built in 22 months...and this project is estimating to take twice as long...?

Construction phasing (the zipper)--- I strongly request that construction be phased in a way that the 300 block of Virginia Ave is the LAST block for construction to reach in the demolition phase and the FIRST block to be reconstructed. This will condense the amount of construction time on the 300 block, which is closest to the project and will be most impacted by the project. I refer to it as a 'zipper' because the idea is that the road would be torn up starting at 11th St then progress down to 2nd Street (unzipped), then start rebuilding at 2nd street up to 11th St (re-zipped). Showing construction phasing options like this for each alternative will impact how I/the community responds to the draft EIS options and what we believe will have the least impact on the community.

Maps showing distance from construction to houses-- We still need better maps showing the distance from the proposed construction fence in each alternative to the houses on Virginia Avenue. The maps still fail to show that information. Please include maps in the draft EIS that show--TO SCALE-- the distance from the proposed construction fence to the houses for each alternative. Just listing the distance is not helpful, nor is it helpful to only show the highway wall as a gauge of distance. This is vital information when reviewing the draft EIS alternatives.

Right of Way--In addition to a map showing the distance from the construction to houses, we need a map showing the CSX land compared to the public right of way. We have been asking for a map of the public right of way for over a year.

Fence--For the construction fence, I request that the project be required to have a fence that is completely solid, such as plywood. I do not want a chain link fence used for this project because it will allow us to be able to see into the construction site and will allow for dust/debris to leave more easily. Please see the plywood fence walls used on the east side of Half Street SE as an example. A plywood/completely solid fence will reduce the visual impact of the project to those of us living on Virginia Ave.

Sidewalk--It was helpful to see rendering of where the construction wall would be located along Virginia Ave. Please have these for each of the alternatives in the draft EIS. In addition, please include showing a sidewalk alongside the construction wall (to replace the sidewalk that currently exists along Virginia Ave) and better show how it integrates with the proposed driveway to our garages. Right now the rendering shows the crosswalk and the driveway as one, which is not safe for pedestrians.

Parking--Many of the residents along Virginia Ave park on Virginia Avenue. As a mitigation for removing the parking, I request that CSX pay for the residents to have a permanent parking space in the parking lot on 3rd and I Street for the duration of the project. This can be used for residents to park their own cars in the lot or to have a place for their guests to park their cars when coming to visit.

Landscaping--The new landscaping proposed to be installed after the project is complete will need to be under warranty for at least two years and will need to be watered for at least two years, especially the new trees that take time to properly root. I would like to see the draft EIS specifically call out that CSX is required to not only replace trees and landscaping, but also to provide the cost of watering for at least two years and all plant material will be under a two year warranty.

Home Office/Home Child Care-- Some staff at the tables shared their assumption that work from 7am to 7pm would not impact the residents along Virginia Ave because they would be at work. I would like the record to state that there several residents along Virginia Avenue that work from their home (have home offices) and that stay home to care for their children. In addition, the seniors in the Seniors building are there for most (if not all) of the day. It is very important that standards of noise, vibrations, and other impacts take into consideration that from 7 am to 7 pm there are still people living and working in the houses along Virginia Avenue. The period from 7 am to 7 pm is not become a 'free for all' time of construction, it must still adhere to the established levels of noise and vibrations, as well as possibly provide additional levels of mitigation.

Best,

Sent: Cc: Tuesday, October 09, 2012 1:55 AM contact@virginiaavenuetunnel.com

Subject:

Noise

What steps is CSX taking to reduce the noise of late-night train whistles? Can thisbe eliminated through another warning system? Has CSX ever mitigated train noise? An answer would be appreciated.

Capitol Quarter

Homeowners' Association

October 16, 2012

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on the September 27, 2012 Public Virginia Avenue Tunnel Project Meeting

The Capitol Quarter Homeowners' Association Board of Directors (HOA) submits this letter on behalf of the residents of Capitol Quarter to address the information presented at the recent September 27, 2012 public meeting. We incorporated by reference the statements and concerns noted in our previous filings in this document. Also, in addition to the HOA's concerns, several Capitol Quarter residents are likely to submit additional comments given the extent of concern among our community.

By this point, you are well aware of the demographics and location of the Capitol Quarter community, including the extreme impact that any build alternative will have upon our ability to live in our homes. We appreciate the effort made by the NEPA agencies at the last meeting to provide us with additional information before the Draft Environmental Impact Statement (DEIS) is released, but we would like to express a number of concerns we have as a result of information learned in that meeting.

I. Substantive Concerns

In addition to the comments we previously have raised, we would like to place six additional concerns in the record and specifically request that they be addressed in the DEIS. First, we would like an additional alternatiave to be included for review — one in which trains are not running in an open trench during construction, but which uses a smaller footprint than Alternative Three. As we have stated from the beginning of the process, it will be impossible for us to live in our homes with trains running in an open trench feet from our front doors. Currently the only option that does not involve open trench trains is Alternative Three. However, this alternative is fatally flawed because it substantially expands the footprint of the tunnel by building two brand new tunnels to the south of the current Virginia Avenue Tunnel (VAT).

We request that the DEIS include for review an additional alternative that is more closely aligned with the existing tunnel footprint but which involves trains running in a closed trench during construction. If the NEPA agencies refuse to do so, then the DEIS must

explain in detail why this alternative was not included and the explicit reasons why it cannot even be considered for public comment.¹

Second, we are extremely concerned about the long time periods for any construction alternative and ask that the time periods be substantially reduced. The shortest period of construction mentioned at the public meeting was for 30-42 months, a very long time period for such a disruptive project to a residential community. At the meeting, when asked what could be done to shorten the construction time period, a CSX representative stated that the time period could be dramatically shortened if more money were spent on crews and equipment. We completely agree and emphatically ask that the DEIS require additional funds to be expended (including significant fines to be set aside for community improvements if CSX does not meet construction milestones throughout the process) and, as a result, provide for dramatically shortened time periods for all concepts.

If the goals of this project are to reduce environmental impact from increased freight and facilitate interstate commerce, as CSX has stated, then those objectives will be reached more rapidly if the construction period is shortened. Additionally, we as homeowners and individuals would be willing to consider enduring the possibility of greater construction annoyances for a reduced period of time, creating a net benefit for all parties involved. Thus, we strongly request that any construction concept be limited to no more than a 12-18 month time frame while recognizing that invasive construction must still be limited in hours as residents still need to live and sleep in their homes.

Third, from your presentations, we still do not have a sense of whether any rerouting will occur during the period of construction in order to reduce, even temporarily, the number of trains running through the VAT. We request information be included in the DEIS on this point, which we also made in our most recent filing.²

Fourth, it is not clear to us that state-of-the-art construction techniques will be used in this project. We were not given information as to whether trenchless tunneling could be utilized in the areas with residences or whether the construction techniques mentioned at the meeting were actually the techniques that would cause residents the least amount of disruption or were simply the ones that would cost CSX the least amount of money. Given

We also reiterate our previously noted position that CSX does not have a valid right of way for the two new tunnels proposed in Alternative Three. There is no statutory reading that could possibly allow CSX to extend primarily beyond the current tunnel path and construct two brand new tunnels. We have repeatedly asked for an interpretation of the 1901 statute or other precedents that would justify this proposal, but have not been provided that to date. We reiterate our position that if DDOT is to grant CSX a right of way to which it is not lawfully entitled, then it should, and must, demand substantial concessions and community benefits from CSX before doing so.

² As we have discussed previously, we request a detailed explanation for why temporary or permanent rerouting is not one of the current alternatives. The project FAQ states that Concept 7 rerouting concept was eliminated because it would require "excessive project duration," but we do not see how that duration would be longer than the time period proposed for the remaining alternatives.

the significance of the impact of this project on residents and other community members, we would expect that such techniques will be employed by CSX in this project.

Fifth, we are concerned that we are still only receiving vague and utterly unsatisfying answers as regards to the claims process. We would like to request that the DEIS include a detailed process for fair and prompt resolution of resolving homeowner claims, the implementation of which should be a prerequisite for the issuance of construction permits. We would also like to request that CSX purchase the homes of residents most directly affected by the construction or, at the election of these residents, pay for alternative living arrangements during construction. Because owners of "workforce" and "Affordable Choice/HCVP units" face restrictions on their ability to sell and/or lease, CSX should provide additional options to address the needs of these residents. Penalties for noncompliance with the workforce and affordable units restrictions is the immediate repayment of the full DCHA loan and a prorated equity share. For homes with "workforce" or "affordable buyers" restrictions that prevent the owner from selling, then CSX should pay for alternative living arrangements for those unable to live in their homes during construction. As a practical matter, if CSX purchases workforce and the affordable choice/HCVP units, the former owners would not be able to purchase comparable homes elsewhere because they would have lost the value of the DCHA loan or other subsidy. In addition, CSX should reimburse the DC Housing Authority if it must or deems it advisable to move residents out of their homes during construction. Moreover, CSX should reimburse the HOA for expenses and future maintenance of the land we are required to maintain and that will be adversely impacted by CSX's construction. We are happy to begin these discussions now.

Finally, we urge for CSX and the NEPA agencies to think more creatively about mitigation for our community given the impact of this project. Some of the proposals presented at the recent community meeting had promise, but more needs to be done. For instance, we want to ensure that any plans for Virginia Avenue post-construction are consistent with the DDOT examination for the Southeast/Southwest M Street Transportation Study. We also would like an examination of sound barriers on the freeway, consistent with the original freeway plans but obviously updated to be more modern in appearance, such as the sound barriers on the new Wilson Bridge. Additionally, we would like an examination of how to provide greater access to Garfield Park for residents south of the freeway. This might include decking over a greater portion of the freeway west of 2nd street to allow a more seamless connection between Garfield and Canal Parks. Finally, we would like a formal exploration as part of the DEIS between this project and the Architect of the Capitol into reopening Virginia Avenue, which is currently closed to vehicular traffic. Turning the section of this public street west of 2nd street into a greenway or bicycle path would greatly enhance the proposals for Virginia Avenue post-construction and should be explored in the DEIS.

II. Procedural Concerns

We also have a number of procedural issues that we want to be raised and included in the record. First, we request that all information presented at the recent community meeting should be posted publicly online immediately and in a high-resolution format.

Second, in order to facilitate transparency and thoughtful discussion, the DEIS should not be released between the Thanksgiving holiday and January 6, 2013. Likewise, no portion of the DEIS review period should occur during this time frame. This project has been going on for a very long time and to hold discussions during a heavy travel period for the community and thereby intentionally limit_participation in the process would demonstrate an utter lack of good faith on the part of CSX and the NEPA agencies and an absence of any sincere interest in obtaining full community input. Moreover, we would like reasonable advance notice as to when the DEIS actually will be released. For instance, it would be beneficial to know in mid-December that we could expect a release in mid-January, as opposed to notice only the night before the actual DEIS publication.

Finally, when the project website FAQ is revised, we urge that the NEPA agencies provide a "redline" of the FAQ or some other easily accessible method to note changes. Currently, though we are told that the FAQs have been revised, we are not told which FAQs have been changed or how they have been altered. Given that and the fact that we do not have access to prior versions, it is impossible for us or any other members of the public to discern what changes were made. The NEPA agencies know what changes they are making, so please communicate those clearly and easily to residents. Otherwise, any edits to the FAQs become meaningless due to a lack of transparency.

III. Conclusion

In conclusion, the Capitol Quarter HOA strongly believes that we should be provided with an additional closed-trench reduced-footprint option. We also believe it is imperative to reduce the construction time substantially for all options. Additionally, we would like to start the discussion of possible community mitigation and benefits. We also have several specific procedural concerns we would like to see addressed.

We appreciate your consideration of our comments and look forward to working with you further during this process.

Sincerely,

The Capitol Quarter HOA Board of Directors

CC:

Delegate Eleanor Holmes Norton Mayor Vincent Gray Councilmember Tommy Wells Deputy Mayor Victor Hoskins David Garber, ANC 6D07 Mike Hicks, FHA Faisal Hameed, DDOT Jamie Henson, DDOT DC City Council

Sent:

Monday, October 22, 2012 3:35 PM

To: Cc:

contact@virginiaavenuetunnel.com; Michael.Hicks@dot.gov; twells@dccouncil.us

Subject:

VAT

This letter is in response to the VAT meeting on 9/27/12 and to be included in the record:

- 1. Construction Timeline-- The community needs to see a more detailed construction timeline for each alternative in the draft EIS.
- 2. Construction Alternatives No alternative exists that reroutes trains or keeps a "lid" on the tunnel. No information was given on why other alternatives were left out, and we would like to know why they were left out. Alternatively, keeping all construction and tunneling completely underground on blocks with residents would be ideal and avoid many of the issues we are all concerned about.
- 3. Alternative Living Arrangements the tunnel can be dug during daytime hours, although I must admit even that is not ideal for those of us with small children that sleep all hours, or those that work shifts like myself. If however residents on the block of the construction were relocated to an alternative living arrangement of equal value during construction the work could go on 24/7 thereby cutting construction time by at least 30%.
- 4. Construction phasing (the zipper)--- I strongly request that construction be phased in a way that the 300 block of Virginia Ave is the LAST block for construction to reach in the demolition phase and the FIRST block to be reconstructed. This will condense the amount of construction time on the 300 block, which is closest to the project and will be most impacted by the project. I refer to it as a 'zipper' because the idea is that the road would be torn up starting at 11th St then progress down to 2nd Street (unzipped), then start rebuilding at 2nd street up to 11th St (re-zipped). If not done this way, a detailed explanation of why it cannot be should be provided.
- 5. Right of way it is still unclear that CSX has right of way to do this project beyond the street area. If all construction remained from the current sidewalk to the barrier on the highway, I would have less to worry about. If it will extend into our lawn that our families and pets use regularly, it will impact us significantly more.
- 6. Garage/alley access it is imperative that alley/garage access is maintained throughout the entire project. I bought my home because it has a garage and allows for quick access to the hospital I am on call at as a neurologist 24/7. Any limitation in that access is not acceptable and will endanger the lives of sick children at Children's National Medical Center.
- 7. Sound and Vibrations a second trench and track closer to our homes may increase vibration in the home (of which none are currently felt). If possible the second track should be closer to the highway. Sound reduction strategies on the home like soundproofing of windows would be helpful in reducing this issue during construction.
- 8. Post Project sound barriers on the highway, mature trees on both sides of VA Ave (toward highway and next to sidewalk) would all be potentials for improvement.

Thank you for including my comments for the VAT project.

November 1, 2012

Parsons Brinckerhoff Attn: Virginia Avenue Tunnel Project 1401 K Street NW, Suite 701 Washington, DC 20005

RE: Comments on the October 16, 2012 letter from the Capitol Quarters Homeowners' Association

We are residents of Capitol Quarter Phase 1 (CQ1), and we are writing to express our severe umbrage over the October 16, 2012 comment letter "on the September 27, 2012 Public Virginia Avenue Tunnel Project Meeting" submitted by the "Capitol Quarter Homeowners Association.

We do not support the positions stated in the correspondence. We are embarrassed by the factual inaccuracies and attitude of arrogance expressed in the letter. We are furious over the fraudulent representation that the opinions in the letter are representative of the Capitol Quarter community as a whole. The letter is a disservice to the CQ1 dues-paying homeowners.

First, it is imperative that the NEPA parties understand that Capitol Quarter (CQ) is a community that has been built in two Phases. There are two independent Boards of Directors (i.e., HOAs) at CQ, each of which represents its respective phase and residents.

The letter submitted by the "Capitol Quarter Homeowners' Association" <u>does not</u> represent any of the Capitol Quarter Phase 2 (CQ2) homeowners of the community, in spite of the letter's signators' purposeful lack of clarity on this fact.

Please be aware that when the draft letter, which was prepared without the benefit of community input, was released to the residents for a 36-hour comment period, we submitted a written response to the CQ1 HOA, indicating that the draft letter needed to be amended to reflect that it is a CQ1 response and should properly reflect the HOA's actual governance breadth. This comment was ignored. Additionally, since the "official" positions in the letter were crafted without the benefit of community discussion, we are curious and in the dark as to whose positions the letter actually represents. We respectfully request that all NEPA parties recognize this essential misrepresentation by the signators of the letter.

While we do not speak for anyone but ourselves here, we can imagine the CQ2 HOA does not appreciate this misrepresentation by the CQ1 HOA.

Regarding additional positions of the signators expressed in the letter:

1. We continue to support Alternative 3/Concept 5 as the best rebuild alternative for the Virginia Avenue Tunnel Project. This alternative has been explained over and again in detail, since originally proposed as Concept 5.

While the CQ1 HOA was busy, during the appropriate phase of the NEPA process, trying to stop the rebuild altogether and vocally opposing all rebuild alternatives (in particular Concept 5/Alternative 3), this alternative now appears to be their best hope for a rebuild. We are amused by their characterization of its "fatal flaws" as another example of their desperation to influence a process, which they have disrespected, from the very beginning.

Unfortunately the CQ1 HOA letter reflects a continued lack of understanding by the signators of the facts specific to this rebuild option as well as a childish refusal to play by the NEPA process and rules. As CQ1 residents, we pointed out (in writing) that there were factual errors in the draft letter but the CQ1 HOA again ignored the constructive comment of these dues-paying residents.

To the signators of the letter, "That train has left the station."

The time for proposing and prescribing additional alternatives in the NEPA process has passed. But of course, the CQ1 HOA did not bother to review the pros and cons of all proposed concepts at the appropriate time in the process or to respectfully submit constructive suggestions in a timely manner in the process. We continue to be baffled by the CQ1 HOAs actions, which seem to indicate a hindrance to progress, a disregard for the process and parties, and a self-centered parochial misrepresentation of facts.

What a shame that the majority of signators of the letter did not attend the NEPA 101 briefing so kindly provided by DDOT and FHWA representatives to the Capitol Quarter and surrounding community before the NEPA process began. It was insightful and educational for those who did attend.

- 2. Since our CQ1 community's discussions and interactions with CSX began approximately 3 years ago, it was made perfectly clear that this would likely be a three year rebuild. While we can appreciate the desire to shorten the construction timetable, we would support this hastened rebuild, provided that it is feasible to work longer hours every day, perhaps around the clock to accomplish this goal. We support looking into realistic and effective ways to shorten the construction timetable without jeopardizing the safety of the workers and community or the integrity of the construction.
- 3. The letter mentions a lack of clarity as to whether "state of the art" construction techniques will be used in the project. How embarrassing.

Do the signators, many of whom are "Johnny come lately's" to the issue, really believe that CSX, DDOT and FHWA will send Fred Flintstone on his dinosaur to chip on stones to rebuild the tunnel?

Since the beginning of the community's interactions with CSX about this project, the public conversations have often turned to the issue of rebuilding a century old tunnel by using state of the art techniques that would minimize vibrations and noise.

 The CQ1 letter seems to demand that CSX purchase certain homes in the community.

We are angered by the arrogance and impropriety of the CQ1 HOA in making such statements. Neither the CQ1 HOA as a whole nor any of its leaders acting independently of the CQ1 HOA have any business whatsoever interjecting themselves in CQ1 or CQ2 private property negotiations or transactions, regardless of whether the property is a market rate or workforce rate.

Even if such a scenario were ethical (or possibly legal?), who is the CQ1 HOA to determine which homes are "most directly affected" by the project?

Every CQ1 property owner pays equal dues to the HOA, and the HOA has an obligation to represent <u>all</u> homeowners in a transparent, legal and fair manner. This demand by the CQ1 HOA to insert themselves into private property negotiations and transactions leaves a question (as well as a bitter taste) as to whose parochial interests the signators are representing and what benefit they could receive. Ironically, all but one of the HOA members live on the blocks which border Virginia Ave SE and I Street SE; the remaining HOA member lives in the northern part of the community closest to the rebuild area. This demand, created by the CQ1 HOA without benefit of community discussion, is another example of the signators not representing the community at large that they have been elected to represent.

To our knowledge, the CQ1 HOA has not spent any money on the Virginia Avenue Tunnel Project. Of course, due to the lack of transparency and engagement under which the signators operate, this may not be the case and the community at large may not have been made aware of such expenditures. Therefore, we are unaware of any reimbursements to the HOA that might become necessary at this time or in the future, as stated in the CQ1 HOA letter.

If there becomes a necessity for any NEPA parties to engage with the CQ1 HOA, we suggest and recommend that those interactions occur in a public forum at which every dues-paying CQ1 resident has been provided official and timely written notification of and access to such meeting(s). This includes but is not limited to the issue of "mitigation".

Based on the comments in the most recent CQ1 HOA letter, we find it both humorous and offensive that the signators are only interested in "mitigation" measures that directly impact the homes in their "affected" area of the CQ1 community.

There are so many parts of the CQ1, CQ2 and surrounding community that are affected by this project, and we believe that any "mitigation" measures apply to the Capitol Riverfront community and not to specific homeowners or for limited beneficiaries. The Van Ness Elementary School, the Senior Center, the historic St. Paul's Church, 400 M Street SE, etc. all are impacted and would make excellent investments which would benefit the community at large.

We have heard so many positive comments from others in the community about the September 27, 2012 NEPA meeting, including its speakers, content and format. In particular, the noise impacts presentation was enlightening. It was both an embarrassment as well as an unfair characterization to have one of the signators stand up and call it a "complete failure." In our opinion, apologies are due all the way around for this unnecessary and childish outburst: to Delegate Norton and other elected officials in attendance, to DDOT, FHWA, and CSX officials who work so hard to make sure these meetings are valuable, and to all of the respectful members of the public in attendance.

As you know, dozens of reasonable and affected residents have submitted comments asking for the project to keep moving, to get it done sooner rather than later. This means not delaying the release the draft DEIS until after the holiday season. The signators' request to delay the NEPA process is a selfish and utterly ridiculous request. There is nothing about continuing on with the timetables of the process that would infer a lack of transparency.

This is an especially ironic request coming from a group of signators that does not respect or request full community engagement and misrepresents itself as a broader collective than they actually are.

Perhaps the signators have also demanded that the New York Stock Exchange cease trading during this period? Maybe they have demanded that the U.S. Congress not convene either?

We are most pleased to see that CSX is working quickly to open the community operations office on New Jersey Ave. This is a well-located and highly convenient facility for addressing security and community concerns, including claims by residents. Perhaps the CQ HOA 1 should better educate themselves on all of this publicly available information before spouting off about their lack of information.

As always, we appreciate the responsiveness and proactive manner by all NEPA parties pertaining to this project. The clarity of information, desire to be responsive and

answer questions as well as to engage in a respectful and transparent dialogue has been evident and appreciated since our initial exposure to and engagement on the project for almost three years.

Many thanks for considering our comments and the facts related to this project and the CQ1 community.

Best,

Sent:

Wednesday, February 27, 2013 12:23 AM contact@virginiaavenuetunnel.com

To:

Cc: Subject:

Questions

To whom it may concern:

I have the following questions I would like to incorporate into answers into the EIS (Environmental Impact Study) for the CSX Virginia Avenue Tunnel:

- 1. What is the mitigation strategy for the noise including the horn blowing of the trains or actions going to be taken to get a noise waiver for this VA tunnel?
- 2. What is the volume of trains going to run daily, weekly, monthly during construction and post construction?
- 3. What is the strategy and approach for noise abatement during each phase and step of the construction and post-construction process (e.g., long-term solution) for each alternative option for the CSX Virginia Avenue Tunnel?
- 4. What are the Federal regulations for noise baselines and waivers?
- 5. What is the approach used to determine the specific noise baseline for pre-construction and post construction use of the Virginia Avenue Tunnel?
- 6. What factors were used to establish the baseline (e.g., what specific dates and times were measurements taken, when was the equipment used last serviced, age of equipment to take measurements, etc.)
- 7. In which Phase of each alternative, will residents see street closures?
- 8. Is there a 5th or modification to the alternatives to divert train traffic in order to decrease and optimize construction timelines and impact to residents? (e.g., current alternatives are anywhere from 30-66 months but if train traffic is diverted would this be reduced further to reduce the burden on the residents?)
- 9. What is the parking approach for construction equipment, CSX employees, and CSX construction and other vendors to ensure there is no additional burden added to public or residential parking in Ward 6?
- 10. What is approach and strategy to ensure there is no disruption to utility services before, during, or after construction? Utilities include but not limited to water, gas, electricity, telecommunications, cable, etc.
- 11. Will there be an independent study on noise performed outside of CSX's study?
- 12. What is the contract structure on each of the alternatives? Is there incentives for early completion or lack of customer service complaints from the community or disincentives for delays, and/or complaints from the community, etc.?
- 13. What will be the claims process or customer complaint process?
- 14. What study will ensure the construction practices do not impact residential and business structures both during and post construction? It is well-known if you are disturbing soil or ground structures based on construction practices, the impact of these changes and issues arising from these changes may not be seen for many years on resident and business structures.
- 15. Will any explosives be used for any part of the demolition or construction process?
- 16. What is the demolition process and approach used to excavate and remove old structures in each of the alternatives?

Sent:

To:

Thursday, February 28, 2013 4:21 PM contact@virginiaavenuetunnel.com

Subject: Alarms at night

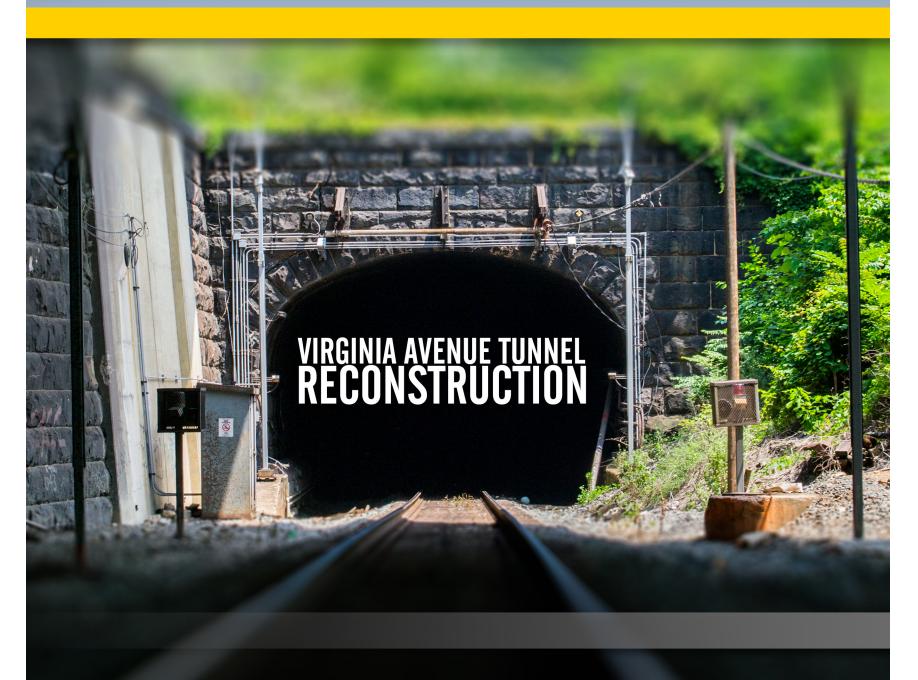
Good afternoon,

My family's home is on the near the Virginia Avenue Tunnel. For at 2 nights this week, the alarm that sounds if someone enters the tunnel has gone off intermittently for hours.

This is a great source of annoyance for most of us in the neighborhood as the alarm is very, very loud. This appears to be a recurring problem and once the alarm goes off, it does not stop for a very long time. The noise impact on our community is significant.

Is there something that can be done to address this? Is there a phone number that members of our community can call in the event of one of these episodes? We understand that you have been in talks with Council-member Wells and other elected officials on the noise impact on our community.

Thank you





FEDERAL HIGHWAY ADMINISTRATION



DISTRICT DEPARTMENT OF TRANSPORTATION